United Nations A/55/386

General Assembly

Distr.: General
18 September 2000

Original: English

Fifty-fifth session
Agenda item 34 (b)
Oceans and the law of the sea

Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments

Report of the Secretary-General*

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* The deadline for receipt of submissions from States, intergovernmental and non-governmental organizations was 30 June 2000. However, most submissions were received at a much later date.

00-64357 (E) 241000

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I. Introduction

1. The General Assembly, at its fifty-third session, in its resolution 53/33 of 24 November 1998, took note with appreciation of the report of the Secretary-General on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments (A/53/473) and emphasized the useful role played by the report in bringing together information relating to the sustainable development of the world's marine living resources, provided by States, relevant intergovernmental organizations, regional and subregional fisheries organizations, and non-governmental organizations.

2. In the same resolution the General Assembly reaffirmed the importance it attached to compliance with its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994, and 52/29 of 26 November 1997, as well as to the sustainable management and conservation of the marine living resources of the world's oceans and seas, and the obligations of States to cooperate to that end, in accordance with international law, as reflected in the relevant provisions of the United Nations Convention on the Law of the Sea, in particular, the provisions on cooperation set out in part V and part VII, section 2, of the Convention regarding straddling fish stocks, highly migratory species, marine mammals, anadromous stocks and marine living resources of the high seas.

3. The General Assembly therefore urged all authorities of members of the international community that had not done so to take greater enforcement responsibility to ensure full implementation of the global moratorium on all large-scale pelagic drift-net fishing on the high seas, including enclosed seas and semi-enclosed seas, and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of resolution 46/215.

4. The General Assembly also called upon States that had not done so to take measures, including measures to deter reflagging to avoid compliance with applicable obligations, to ensure that fishing vessels entitled to fly their flags do not fish in areas under the national jurisdiction of other States unless duly authorized by the authorities of the State concerned and in accordance with the conditions set out in the authorization, and do not fish on the high seas in contravention of the applicable conservation and management rules.

5. The General Assembly further urged States, relevant international organizations and regional and subregional fisheries management organizations and arrangements to take action, including through assistance to developing countries, to reduce by-catches, fish discards and post-harvest losses consistent with international law and relevant international instruments, including the Code of Conduct for Responsible Fisheries, and reiterated its call on organizations with development assistance programmes to make it a high priority to support, including through financial and/or technical assistance, the efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations, including through financial and technical support for regional and subregional meetings for that purpose.

6. In addition, the General Assembly encouraged all States to act responsibly, as appropriate, at the national, regional and global levels to implement the international plans of action adopted by the Food and Agriculture Organization of the United Nations (FAO) Committee on Fisheries, in particular the international plan of action for the management of fishing capacity.

7. Furthermore, the General Assembly called upon States and other entities referred to in article 1, paragraph 2 (b), of the Agreement for the Implementation for the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Fish Stocks Agreement) that had not yet ratified or acceded to the Agreement to consider doing so at the earliest possible time, and to consider applying it provisionally.

8. The General Assembly also called upon States and other entities referred to in article 10, paragraph 1, of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (the FAO Compliance Agreement) that had not submitted instruments of acceptance of the Agreement to consider doing so at the earliest possible time.

9. Finally, the General Assembly requested the Secretary-General to bring the resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the resolution. The Assembly also requested the Secretary-General to submit to it at the fifty-fifth session a report on further developments relating to the implementation of resolution 52/29, the status and implementation of the FAO Compliance Agreement and efforts undertaken in the Food and Agriculture Organization of the United Nations, referred to in paragraph 8 of resolution 52/29, taking into account the information thus provided.

10. Accordingly, the Secretary-General sent a note verbale to all States, drawing their attention to the relevant provisions of resolution 53/33. Letters were also addressed to relevant intergovernmental organizations, specialized agencies, appropriate organizations, organs, bodies and programmes of the United Nations system, as well as regional and subregional fisheries management organizations, and relevant non-governmental organizations. A number of submissions and comments were received by the Secretary-General, who wishes to express his appreciation for all the contributions.

11. The present report, which is submitted to the General Assembly pursuant to resolution 53/33, gives information on measures taken by States, relevant specialized agencies, organs and programmes of the United Nations, intergovernmental organizations and non-governmental organizations, to address the issues raised in resolution 53/33.

II. Large-scale pelagic drift-net fishing and measures to ensure full implementation of the global moratorium on all large-scale pelagic drift-net fishing on the high seas, including enclosed seas and semi-enclosed seas

A. Information provided by States

12. In its response of 12 April 2000 to the Secretary-General, **Qatar** stated that at present it had no fishing boats that used this type of drift-net and that no vessels registered in the country were engaged in high seas fishing.

13. In its reply of 5 May 2000 to the Secretary-General, **Oman** stated that the use of drift-nets had been banned in all fishing grounds under Omani national jurisdiction pursuant to the implementing regulation for marine fisheries protection of its Marine Fisheries Act. It also indicated that the Act and its implementing regulation provided severe penalties for offenders using drift-nets, including imprisonment for a period of three months and a fine of up to 5,000 riyals in addition to the confiscation of fishing equipment and gear and possible seizure of the vessel.

14. In its response of 9 May 2000 to the Secretary-General, **Panama** stated that it did not authorize its large-scale fishing vessels to use drift-nets.

15. In its reply of 22 June 2000 to the Secretary-General, **Saudi Arabia** reported that since 1996 it had prohibited the use of all large-scale pelagic drift-nets and other internationally condemned means of fishing in the high seas.

16. In its response of 26 June 2000 to the Secretary-General, **Namibia** indicated that under the Namibian Sea Fisheries Act it was an offence to fish by means of a drift-net, gillnet or any other net, or a combination of such nets, with a total length exceeding 2.5 kilometres, or any shorter length as might be prescribed. It was also an offence under the Act to place such nets in the water and to allow them to drift for the purpose of trapping or entangling fish. Namibia also informed the Secretary-General that since independence no vessels had been licensed to undertake pelagic drift-net fishing in maritime areas under Namibia's national jurisdiction.

17. In its reply of 30 June 2000 to the Secretary-General, **Japan** reported that, in compliance with General Assembly resolution 46/215, the Minister of Agriculture, Forestry and Fisheries on 10 December 1992 had formulated a basic policy under which Japanese authorities would not permit or approve the conduct of drift-net fishing by Japanese vessels on the high seas beginning in 1993. In accordance with that policy, no Japanese fishing vessel had been given permission and/or approval for drift-net fishing on the high seas.

18. In its response of 30 June 2000 to the Secretary-General, **Norway** pointed out that none of its fishing vessels had been engaged in commercial large-scale pelagic drift-net fishing on the high seas. It stressed that in any case, Norwegian authorities were allowed, to take action against vessels conducting such fishery, if necessary.

19. In its reply of 5 July 2000 to the Secretary-General, **Mauritius** stated that it had enacted a ban on drift-net fishing under its Prohibition of Drift-net Act, 1992 whereby, within its fishing limits, no one was allowed to fish with or have in his possession such a net. Mauritius also pointed out that although the Act had still to be proclaimed by the Prime Minister's Office, no Mauritian vessel was currently allowed to fish with a drift-net.

20. In its submission of 6 July 2000, **New Zealand** informed the Secretary-General that it was a party to and the depositary of the 1989 Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific (the Wellington Convention), which had entered into force on 17 May 1991. The Wellington Convention required parties to prohibit drift-net fishing by their own nationals and national vessels within the South Pacific. New Zealand further indicated that it continued to have legislation in place with respect to drift-net fishing (the Drift-net Prohibition Act 1991) and that no incident involving drift-net fishing had been reported within its exclusive economic zone.

21. In its response of 10 July 2000 to the Secretary-General, **Cyprus** stated that Cypriot fishing vessels did not use large-scale drift-nets.

22. In its report to the Secretary-General dated 14 July 2000, **Denmark** indicated that the European Union (EU) had introduced a ban on drift-net fishing using nets longer than 2.5 kilometres and as from the year 2002 a total ban on drift-nets would be introduced for the fishing of a number of species. It pointed out, however, that the ban did not include the Baltic Sea, in view of the fact that the specific requirements with respect to fish species there were not the same as those on the high seas. In addition, Denmark drew the attention of the Secretary-General to the fact that nets considerably shorter than 2.5 kilometres in length were in use in Greenland, where nets for salmon fishing which were fixed on the shore at one end were also in use.

23. In its response of 20 July 2000 to the Secretary-General, **Mexico** stated that it had complied fully with the resolution prohibiting large-scale drift-net fishing. Since 1990, it had not issued any commercial fishing permits to vessels using gillnets over 2,000 metres in length on the high seas. Mexico admitted that drift-nets might potentially be used to catch scaled fish and shark. However, it reported that regulations on fishing for shark and related species had been adopted and would enter into force in August 2000. Those regulations stipulated that only the use of longlines would be authorized for pelagic fishing of the species, and in the case of shark fishing in ocean waters where the use of drift-nets was authorized, specific regulations on size and use zones had been established. Furthermore, a programme was currently under way to gradually replace and ultimately eliminate the use of such nets in favour of longlines, considered to be a more selective method of fishing which minimized by-catch of other species.

24. In its reply of 21 July 2000, **Barbados** informed the Secretary-General that it had prohibited large-scale pelagic drift-net fishing in the maritime areas under its national jurisdiction and that no vessels flying the flag of Barbados had been authorized to use that kind of gear. It also indicated that the use of large-scale pelagic drift-nets had not been reported on the adjacent high seas.

25. In its response of 3 August 2000 to the Secretary-General, **Guyana** stressed that the practice of large-scale pelagic drift-net seine fishing on the high seas, including in enclosed areas and semi-enclosed areas, was practically non-existent in the areas outside Guyana's jurisdiction. It pointed out, however, that owing to Guyana's inadequate enforcement capability, it was possible that that type of fishing might be occurring without its knowledge.

26. In its submission to the Secretary-General dated 21 August 2000, **Trinidad and Tobago** reported that it did not have any large-scale pelagic drift-net vessel, nor had it registered any such vessels. Furthermore, Trinidad and Tobago did not support large-scale pelagic drift-net fishery and as such did not permit or license its vessels to practice that method of fishing.

27. In its reply of 24 August 2000 to the Secretary-General, **Malta** indicated that there were no drift-net fishing vessels registered in Malta and its Department of Fisheries and Agriculture had no intention of issuing any licences for drift-net fishing.

28. In its response to the Secretary-General dated 31 August 2000, the **United States of America** indicated that it was appropriate that the General Assembly, in recognition of the unacceptable impacts of large-scale pelagic drift-net fishing in the high seas, called upon all members of the international community, in its resolution 46/215, to ensure that a global moratorium on all large-scale pelagic drift-net fishing on the high seas be fully implemented by 31 December 1992.

29. The United States added that it continued to attach great importance to compliance with resolution 46/215 and had taken measures individually and collectively with other nations to prevent large-scale pelagic drift-net fishing on the high seas. The United States had called upon all members of the international community to implement and comply with the resolution. In addition, the United States had urged all members of the international community, intergovernmental organizations, non-governmental organizations and scientific institutions with expertise in living marine resources to report to the Secretary-General any activity or conduct inconsistent with the terms of resolution 46/215. The United States further added that since it had submitted its 1998 report on fisheries activities to the United Nations, it had taken additional actions to promote the implementation of the General Assembly's resolutions and decisions on large-scale pelagic drift-net fishing on the high seas, especially in the North Pacific Ocean and the Mediterranean Sea.

30. The United States was of the view that international implementation of the moratorium on large-scale high-seas drift-net fishing in the world's oceans and enclosed and semi-enclosed seas continued to be generally successful, although a small number of cases of unauthorized large-scale high-seas drift-net fishing were reported in the North Pacific Ocean in 1999.

31. The United States added that enforcement of the United Nations moratorium on high-seas drift-net fishing continued to be an important mission for the United States Coast Guard and the National Marine Fisheries Service (NMFS). To monitor compliance with the drift-net moratorium in 1999, the United States Coast Guard, NMFS and the Canadian Department of Fisheries and Oceans had continued to carry out surveillance activities in North Pacific areas that in the past were routinely fished by drift-net vessels. United States Coast Guard vessels patrolled sectors of the North Pacific Ocean, or were in position to respond to reported activity, for a total of 1,176 cutter operating hours. In addition, United States Coast Guard C-130 Hercules aircraft had flown 236 surveillance hours. Canada had conducted 213 hours of air surveillance while patrolling the high seas drift-net fishing area.

32. The United States indicated that all United States Coast Guard operations were planned and executed in cooperation with enforcement officials of Japan, Canada, and the Russian Federation under the aegis of the North Pacific Anadromous Fish Commission (NPAFC). NPAFC had sponsored a Law Enforcement Standardization Symposium, from 16 to 19 March 1999, prior to the start of the fishing season, to further promote high-seas drift-net enforcement cooperation between the parties. The United States had hosted the symposium at the Coast Guard's North Pacific Regional Fisheries Training Center in Kodiak, Alaska. The Symposium's key accomplishments had been the sharing of information, the updating of points of contact for each enforcement agency and the development of 1999 patrol plans and procedures.

33. The United States further indicated that from 15 April to 3 May 1999, a total of 11 possible large-scale drift-net fishing vessels had been reported operating on the high seas of the North Pacific Ocean by the international community. The United States Coast Guard had apprehended 3 of those vessels. Three of the 11 had been Russian-flagged, one vessel had been deemed stateless and the remainder had been unidentified or unconfirmed. Specific enforcement actions taken by the United States had concerned the following vessels: *Astafeyvo*, *Lobana-1*, also known as *Florida*, *Tin Yu*, *Ying-Fa* and *Tayfun-4*.

34. In addition, in 2000, as indicated by the United States, one large-scale high-seas drift-net vessel (the Honduran-flagged *Arctic Wind*) had been intercepted in the North Pacific Ocean. The United States had formally seized the *Arctic Wind* on 12 May, after the Government of Honduras gave it permission to enforce United States law against the vessel. The case was currently in progress.

35. The United States added that, despite the actions taken by the international community to implement the United Nations global drift-net moratorium, sporadic large-scale high-seas drift-net fishing activity persisted in the North Pacific Ocean. To support United States enforcement efforts in the North Pacific in 2000, the United States Coast Guard would emphasize surveillance at levels consistent with 1999 or adequate to meet the high-seas drift-net fishing threat. The Coast Guard would also continue to schedule patrols in areas that give them the capability to respond to any potential violators.

36. The United States indicated that the United States Coast Guard also intended to continue its policy of issuing Local Notices to Mariners during the high-threat drift-net fishing season. The Coast Guard intended to improve upon the information provided in these notices and would establish an Internet web site to allow mariners access to more detailed information. The United States further indicated that the Government of Canada anticipated flying 216 hours of high-seas drift-net patrols aboard Canadian Armed Forces aircraft in 2000. The time-frame and patrol area would be similar to those in 1999. In addition, NMFS would continue to place enforcement agents on Canadian high-seas drift-net enforcement flights during deployments in 2000.

37. With regard to United States drift-net enforcement efforts in the Mediterranean Sea, the United States indicated that, there had been no reported sightings of large-scale drift-net vessels operating on the high seas of the Mediterranean Sea in 1999.

38. In its submission, the United States described recently concluded bilateral drift-net arrangements. The United States and the People's Republic of China continued to work together to ensure effective implementation of General Assembly resolution 46/215 in the North Pacific Ocean pursuant to the terms of the Memorandum of Understanding between the Government of the United States of America and the Government of the People's Republic of China on Effective Cooperation and Implementation of United Nations General Assembly resolution 46/215 of 20 December 1991, signed at Washington, D.C. on 3 December 1993. The Memorandum of Understanding (also referred to as the "Shiprider Agreement") had established boarding procedures for law-enforcement officials of either country to board and inspect United States or People's Republic of China flagged vessels suspected of drift-net fishing. The Memorandum of Understanding had also established a shiprider programme, which allowed People's Republic of China fisheries enforcement officials to embark on United States Coast Guard cutters during each drift-net fishing season. The Memorandum of Understanding had expired on 31 December 1998 and had been extended through 31 December 2001. During 1999, four officials of the People's Republic of China had been stationed in Kodiak, Alaska, for deployment to Coast Guard cutters to support enforcement against illegal high-seas fishing activity. An official was deployed on two occasions.

39. Following an order of the United States Court of International Trade, the United States on 19 March 1999 had identified Italy as a nation for which there was reason to believe its nationals or vessels were conducting large-scale drift-net fishing beyond the exclusive economic zone of any nation, pursuant to the United States High Seas Drift-net Fisheries Enforcement Act. This marked the second time the United States had identified Italy pursuant to the Act (the first identification was in 1996). As a result of the identification, the United States had begun consultations with the Government of Italy on 17 April 1999 to obtain an agreement to effect the immediate termination of such activities. Agreement had been formally reached by the two countries on 15 July 1999, via an exchange of diplomatic notes, on measures to end Italian large-scale high-seas drift-net fishing. The new drift-net Agreement reiterated the commitment of the Government of Italy to full implementation of the measures to combat large-scale high-seas drift-net fishing in the 1996 drift-net Agreement between the United States and Italy. As a result of Italy's drift-net vessel conversion programme (a product of the 1996 Agreement), almost 80 per cent of Italy's drift-net fleet of 679 vessels had been converted to other fishing methods or scrapped. In an effort to induce the remaining drift-net vessels to apply for the programme, Italy had extended the application deadline to the end of December 1999.

40. The United States added that Italy had taken a number of additional measures to strengthen the enforcement of its laws relating to drift-net fishing. It had publicized a March 1999 court decision prohibiting the possession, as well as use of, drift-nets longer than 2.5 kilometres. Italy had increased boarding and inspections of drift-net vessels at dockside, before leaving to go fishing and when returning to port. The Government of Italy had implemented a detailed 1999 enforcement action plan involving joint enforcement efforts with European Union fisheries inspectors and proposed bilateral enforcement agreements with other European Union Mediterranean countries. The Italian Coast Guard was committed to increase at-sea monitoring by regional Coast Guard districts and spot checks of seized drift-nets, until such netting could be destroyed.

41. The Governments of the United States and Italy had agreed to conduct periodic consultations regarding the implementation of the United Nations global moratorium on large-scale high-seas drift-net fishing. Such consultations would continue until the end of 2001, when a European Union ban on all drift-net fishing would enter into force.

42. The United States also reported that on 11 October 1993, the secretaries of Transportation, Commerce and Defense had entered into a Memorandum of Understanding to more effectively enforce domestic laws and international agreements for the conservation and management of the living marine resources of the United States. The Memorandum of Understanding had established a mechanism for the use of the surveillance capabilities of the Department of Defense for locating and identifying vessels violating United States marine conservation laws and international agreements, including General Assembly resolution 46/215. The Memorandum of Understanding had also set formal procedures for communicating vessel locations to the Secretary of Commerce and the United States Coast Guard. NMFS and the United States Coast Guard had continued to utilize Department of Defense surveillance information for locating and identifying large-scale high-seas drift-net fishing vessels in 1999. They would continue to explore other possible uses of Department of Defense surveillance assets for the monitoring of drift-net fishing vessels and fishing activity.

B. Information provided by specialized agencies of the United Nations system

43. In its reply of 3 August 2000, **FAO** informed the Secretary-General that it had not been advised of any fishing involving large-scale pelagic drift-nets over the review period.

C. Information provided by organs, organizations and programmes of the United Nations

44. In its response of 17 March 2000, the **United Nations Development Programme (UNDP)** informed the Secretary-General that the concepts provided in General Assembly resolution 53/33 were embodied in the various fisheries projects of UNDP, many of which were executed by FAO.

D. Information provided by regional and subregional fisheries bodies and arrangements[1]

45. The **Asia-Pacific Fishery Commission (APFIC)** reported that its member States had been informed of the global moratorium on large-scale drift-net fishing on the high seas. However, for many coastal States, drift-net fishing was still needed and employed in the enclosed and semi-enclosed seas under their jurisdiction. Regulations could be established by each State on the size/length of drift-nets to be used.

46. The **Fishery Committee for the Eastern Central Atlantic (CECAF)** stated that there had been no reported large-scale pelagic drift-net fishing in the CECAF area. However, there was small-scale drift-net fishing in artisanal zones in the region. The effect of this technique was not as remarkable as the industrial ones, but it caused frequent conflicts among the artisanal fishermen. The conflicts had become significant in some countries and regulations were being introduced in national fisheries legislation limiting the size and length of drift-nets to be employed in their fisheries.

47. The **General Fisheries Council for the Mediterranean (GFCM)** reported that the twenty-fourth session of the Commission (Alicante, Spain, 12-15 July 1999) had not registered any irregularity in the

implementation of its recommendations on the use of large-scale pelagic drift-nets (resolution 97/1) that banned the keeping on board or use for fishing of one or more drift-nets whose individual or total length was more than 2.5 km. Difficulties encountered in the past for the enforcement of these resolutions with Italy had been addressed through a compensatory arrangement with the owner/users of these nets.

48. The **Indian Ocean Tuna Commission (IOTC)** reported that there had been no large-scale drift-netting reported in the Indian Ocean since 1992. It pointed out, however, that Pakistan, Oman, India, the Islamic Republic of Iran and Sri Lanka had large fleets of small-scale drift-net vessels.

49. The **Inter-American Tropical Tuna Commission (IATTC)** reported that there had been no reports of large-scale pelagic drift-net fishing in the IATTC area of competence in the current period.

50. The **North Atlantic Salmon Conservation Organization (NASCO)** indicated that it was not aware of any activities within the area covered by the Convention for the Conservation of Salmon in the North Atlantic Ocean that would be inconsistent with General Assembly resolution 52/29.

51. The **North-East Atlantic Fisheries Commission (NEAFC)** reported that its Contracting Parties had once again confirmed that they were not aware that any large-scale pelagic drift-net fishing had been practised in the NEAFC Convention area.

52. The **North Pacific Anadromous Fish Commission (NPAFC)** reported that, in 1998 and 1999, the cooperative enforcement efforts of the NPAFC parties had resulted in the detection of 7 and 12 vessels, respectively, conducting direct drift-net fishing operations for salmon in the NPAFC Convention area. Of those vessels, four had been apprehended in 1998 and three in 1999. The Commission added that owing to the continued threat of high-seas drift-net fishing for salmon in the Convention area, the NPAFC parties had agreed to maintain enforcement activities in 2000 at levels similar to those of 1999. Consequently, NPAFC was of the view that the Convention had eventually contributed to the implementation of General Assembly resolution 46/215, by prohibiting direct fishing for anadromous fish on the high seas area in the North Pacific Ocean, where salmon fishing had heretofore been mainly conducted by using drift-nets.

53. The **Northwest Atlantic Fisheries Organization (NAFO)** reported that the General Assembly resolution on large-scale pelagic drift-net fishing on the high seas had been unanimously endorsed by NAFO. Its member States had reaffirmed that large-scale pelagic drift-net fishing had never been practised in the NAFO Convention area. Official NAFO letters on the matter had been regularly delivered to United Nations Headquarters.

54. The **Southeast Asian Fisheries Development Centre (SEAFDEC)** reported that there had been no reports of large-scale pelagic drift-net fishing on the high seas in the SEAFDEC region.

55. The **Western Central Atlantic Fisheries Commission (WECAFC)** reported that there had been no reports of large-scale pelagic drift-net fishing in the WECAFC region during the period 1998-1999. The majority of fisheries in the region were small-scale in nature.

56. In its reply of 8 March 2000 to the Secretary-General, the **International Commission for the Conservation of Atlantic Tunas (ICCAT)** reported that at its tenth special meeting in 1996, it had adopted a resolution concerning large-scale pelagic drift-nets that, inter alia, appealed to all Contracting Parties to ensure that their nationals and their fishing vessels complied with General Assembly resolution 46/215, and to provide all necessary data relative to those fisheries so that scientists might study the effects of the utilization of those gears. ICCAT in its resolution also requested them to impose adequate sanctions on their nationals and on their fishing vessels that acted contrary to the terms of resolution 46/215.

57. In its reply of 10 April 2000 to the Secretary-General, the **Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)** stated that since the adoption of CCAMLR resolution 7/IX (1990), which prohibited the expansion of large-scale pelagic drift-net fishing into the high seas of the Convention area, it had not received any reports on activities or conduct inconsistent with that resolution.

58. The **Commission for the Conservation of Southern Bluefin Tuna (CCSBT)** advised the Secretary-General on 21 June 2000 that, as reported in previous years, there had been no reports of fishing with large-scale pelagic drift-nets in its area of competence during the period under review.

E. Information provided by other intergovernmental organizations and convention secretariats

59. In its reply of 5 July 2000 to the Secretary-General, the **European Union (EU)** stated that, in implementation of General Assembly resolution 52/29, the Council of Europe in June 1998 had decided to prohibit the use of drift-nets by fishing vessels of EU member States as from 1 January 2002. It noted that with that decision, EU had gone beyond the provisions of General Assembly resolution 46/215. It also stressed that, despite the divergent views among member States on the scientific justification of the decision, the ban had been accepted as an example of the importance of integrating environmental requirements into fishery policy. In addition, EU recalled that since 1992 EU regulations had prohibited the use of drift-nets longer than 2.5 km.

60. In its submission of 13 July 2000 to the Secretary-General, the **Convention on the Conservation of Migratory Species of Wild Animals (CMS)** reported that the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) had management plans that contained provisions requiring parties to the Agreement to adopt the necessary legislative, regulatory or administrative measures to give full protection to cetaceans in waters under their sovereignty and/or jurisdiction and outside those waters in respect of any vessel under their flag or registered within their territory engaged in activities that might affect the conservation of cetaceans. To that end, they had to, inter alia, develop and implement measures to minimize adverse effects of fisheries on the conservation status of cetaceans. In particular, no vessel should be allowed to keep on board, or use for fishing, one or more drift-nets whose individual length was more than 2.5 kilometres.

61. In addition, the CMS indicated that the preamble to the France-Italy-Monaco agreement, which created a sanctuary for the marine mammals in the north-western Mediterranean, referred to ACCOBAMS. Within the sanctuary, drift-nets would be completely banned, in connection with measures that would be taken by EU in early 2002.

F. Information provided by non-governmental organizations

62. In its response of 9 May 2000 to the Secretary-General, the **Humane Society of the United States** reported that it and its international arm, Humane Society International, had played an integral role in the enforcement of General Assembly resolutions on the global moratorium on large-scale pelagic drift-net fishing, as well as the EU restrictions on drift-nets. It expressed concern, however, that recent information in its possession indicated that the buy-out plan to convert or scrap drift-net fishing vessels in Italy, as part of the EU phasing-out of all drift-net fishing by the beginning of 2002, had incurred problems since approximately 106 Italian vessels (many of them over 24 metres in length) had rejected the EU proposed buy-out scheme. The Society thus assumed that those vessels would plan to continue their drift-net fishing activities.

63. The Humane Society also pointed out that enforcement of the legal limits of net size was always a problem for EU because of its lack of funds and limited enforcement fleet, and also because the main responsibility in this respect rested with the flag State of the vessels. For the Society, it was imperative for Italy to prevent any further illegal drift-netting incidents during the coming fishing season with its large remaining fleet and to continue to work for the elimination of all Italian drift-net fishing activities before the 2002 deadline.

64. In addition, the Humane Society also wished to inform the Secretary-General that the United States Court of International Trade had ruled on 5 March 1999 that the United States Secretary of Commerce had violated the United States High Seas Drift-net Fisheries Enforcement Act of 1992 by failing to identify Italy as an illegal drift-netting country despite extensive evidence of large-scale drift-net fishing by Italian vessels. Under the Act, the United States was required to formally identify countries that had engaged in illegal drift-net fishing and ultimately to place import restrictions on those countries if they did not end their harmful practice.

III. Unauthorized fishing in zones of national jurisdiction of States and on the high seas

A. Unauthorized fishing in zones of national jurisdiction of States and support, through financial and/or technical assistance to developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of their fishing regulations

1. Information provided by States

65. **Qatar** stated that fishing permits were issued in accordance with the provisions of Act No. 4 of 1983 and its Executive Decree No. 2 of 1985 concerning the exploitation and protection of the living marine resources of the State of Qatar. Such permits were granted only to Qatari owners of fishing vessels and entitled them to engage in fishing in the territorial waters of the State of Qatar. Foreign fishing vessels were not allowed to engage in fishing activities unless they had obtained a permit from the Department of Fisheries Resources.

66. **Oman** reported that the Omani Ministry of Agriculture and Fisheries was currently engaged in a comprehensive review of its Marine Fisheries Act and implementing regulation, and among the highest priorities for inclusion in the Act would be the elaboration of legal provisions to address all matters relating to unauthorized fishing in its territorial waters.

67. **Panama** indicated that it prohibited its vessels from fishing in waters under the jurisdiction of other States unless the coastal State concerned had given authorization. It added that an international fishing licence required for fishing on the high seas which it had introduced with its Executive Decree No. 49 of 13 November 1997 stated specifically that the document was not valid for fishing in the exclusive economic zone of other States without the authorization of such States.

68. **Saudi Arabia** stated that it had enacted regulations that required ships flying the Saudi Arabian flag to refrain from fishing in waters under the jurisdiction of another State unless it had obtained a licence from that State allowing it to conduct fishing activities in its territorial waters according to the terms and conditions of such licence. In addition, a written undertaking was required from vessels to observe international fishing regulations and abstain from fishing in waters under the jurisdiction of other States without a permit from the State concerned.

69. **Namibia** indicated that its revised Fisheries Act, which was expected to be passed by parliament during the current year, included provisions which obliged Namibian fishing vessels to have a licence for fishing outside Namibian waters.

70. **Japan** reported that it had prohibited Japanese fishing vessels from entering areas under the national jurisdiction of other coastal States for the purpose of fishing, unless such vessels had the permission to do so from the competent authorities of the coastal States. Furthermore, the Government of Japan required fishing vessels to obtain the permission and observe the regulations of the competent authorities of the coastal States as the condition for permission and approval for such vessels that intended to operate in the areas under the jurisdiction of those coastal States.

71. **Norway** has advised that access for fishing vessels flying the Norwegian flag to areas under the national jurisdiction of other States was based on agreements with the States in question. Its fishing vessels were allowed only to fish in those waters in accordance with the terms of those agreements and upon express consent from the States concerned. In the event that a vessel flying the Norwegian flag were to fish contrary to such provisions, Norwegian authorities were empowered to take actions against such a vessel upon its return to a Norwegian port.

72. In addition, Norway indicated that to monitor the movements of fishing vessels flying the Norwegian flag in Norwegian waters as well as NEAFC-regulated waters and waters covered by bilateral agreements, satellite-tracking equipment was compulsory for all fishing vessels as of 12 May 2000. Satellite-tracking agreements had been agreed with EU and the Russian Federation. Norwegian authorities were considering expanding the satellite monitoring system to other States.

73. **Uruguay**[2] stated that to ensure constant monitoring of vessels entitled to fly the Uruguayan flag and in order to operate outside the waters under the

jurisdiction of Uruguay and outside the common fishing area, the National Fisheries Institute had adopted resolution 8/2000 of 3 February 2000, under which all requests to obtain fishing licences in the D category (commercial fishing licences under the classification established in article 16 of Decree 149/997 of 7 May 1997) were required to provide for a vessel monitoring system to prevent illegal fishing activities by those vessels.

74. **Mauritius** stated that its Fisheries and Marine Resources Act 1998 had made provision whereby all Mauritian vessels were required to be in possession of a licence, whether they fished in Mauritian waters, the high seas or within the fishing zone of a foreign State.

75. **New Zealand** reported that its parliament had enacted the Fisheries Act 1996 Amendment (No. 2) Act 1999 on 8 September 1999, which was expected to enter into force later in 2000. The relevant provision of that Act, once it entered into force, would make it an offence for a New Zealand national or a New Zealand registered vessel to catch fish in the national jurisdiction of a foreign country unless such fish had been caught in accordance with the laws of that country.

76. **Cyprus** stated that its Fisheries Law had already been amended to cover licensing outside the territorial waters and in areas under the national jurisdiction of other States.

77. **Denmark** reported that its fisheries legislation required every person fishing commercially in Denmark to be registered as a commercial fisherman. A vessel could only be used for commercial fishing if it was registered in the general vessel register for all vessels, and more specifically in the register for fishing vessels, which was kept and maintained by the Danish Directorate of Fisheries. No fishing could be carried out unless the authorization had been granted and the Directorate had issued a fishing licence.

78. Denmark also indicated that fishing in areas under the national jurisdiction of other States (e.g. in the waters of other EU member States or in accordance with European Community fisheries agreements with third countries) was also subject to licences issued by the Danish Directorate of Fisheries. Those provisions had been laid down in Danish Government order 863 of 2 December 1999 concerning the deregulation of certain fisheries in 2000 and the regulation of the herring and mackerel fishery in the North Sea, Skagerrak and certain other waters for the period 2000-2003. Denmark added that the legislation of the Greenland Home Rule Government was largely similar to the one described above.

79. **Mexico** stated that fishing by Mexican fleets or vessels flying the flag of Mexico in waters under foreign jurisdiction was under the jurisdiction of the Federal Government and was governed by the 1992 Fisheries Act and its 1999 Regulations. Article 52 of the Fisheries Act stipulated that, to obtain authorization to fish in foreign waters using vessels of Mexican registry and flying the Mexican flag, it was necessary to observe and strictly comply with international navigation and fishery regulations, especially those established by foreign Governments for waters under their jurisdiction. The regulations also stated that the catch limits established by foreign Governments for the use or exploitation of their fishery resources would be administered by the Secretariat for the Environment, Natural Resources and Fisheries (SEMARNAP) and that permits for fishing in waters under foreign jurisdiction would be issued only to Mexican nationals.

80. Mexico further pointed out that where those Governments allowed individuals to obtain commercial fishing licences or permits directly, the parties concerned, at the request of SEMARNAP, had the obligation to verify that the catches had been taken under the authorization set out in such licences or permits.

81. **Guyana** indicated that there were provisions within its draft Revised Fisheries Legislation that empowered the Minister to make regulations: (a) requiring the recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other fisheries data; (b) requiring the owners, operators, chaterers and masters of vessels to provide copies of licences and evidence that fishing operations were authorized; as well as (c) establishing procedures for the provision of evidence to a foreign State which had alleged that a vessel flying the flag of Guyana had been engaged in unauthorized fishing.

82. The **United States of America** indicated that it was particularly interested in ensuring that flag States fulfil their obligation to prevent fishing vessels entitled to fly their national flag from fishing in areas under the national jurisdiction of other States unless duly authorized, and to ensure that those fishing operations were conducted in accordance with the terms and

conditions established by the competent authority. In addition to being a source of international conflict, unauthorized fishing could have a serious and deleterious impact on fishery resources and warranted the attention of all States.

83. The United States added that States had an obligation under international law, as reflected in the United Nations Convention on the Law of the Sea, to take measures to prevent fishing vessels entitled to fly their national flag from fishing in zones under the national jurisdiction of other States unless duly authorized to do so and to ensure that such fishing was in accordance with applicable laws and regulations. Article 56, paragraph 1, of the Convention provided that coastal States had sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, within their respective zones of national jurisdiction. Furthermore, article 62, paragraph 4, of the Convention provided that nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the terms and conditions established in the laws and regulations of the coastal State.

84. For its part, the United States had long acted to prevent unauthorized fishing in zones under the national jurisdiction of other States by vessels entitled to fly the United States flag. The oldest and broadest instrument available to the United States to implement this objective was the Lacey Act amendments of 1981 (generally referred to as the Lacey Act). Originally enacted in 1900, the Lacey Act provided, inter alia, that it was a violation of United States law for persons subject to the jurisdiction of the United States to conduct fishing operations in violation of foreign law. It was one of the United States' primary laws directly targeting illicit interstate or foreign commerce in illegally taken fish, wildlife and plant species. More specifically, the Lacey Act made it unlawful for any person or other entity subject to the jurisdiction of the United States to import, export, transport, sell, receive, acquire or purchase (or attempt to commit any of these acts) in interstate or foreign commerce, any fish or wildlife taken, possessed, transported or sold in violation of any law or regulation of any state of the United States or in violation of any foreign law. (For details of the Lacey Act, see A/52/557, paras. 67-69.)

85. The United States was also a party to a variety of international agreements that further prohibit United States nationals and vessels from engaging in unauthorized fishing in certain areas under the fisheries jurisdiction of other States. Several such agreements had been concluded with the Governments of Colombia, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, Canada and numerous Governments in the South Pacific Ocean. The United States had also ratified the 1995 Fish Stocks Agreement which, while not yet in force, also prohibits such fishing operations.

86. The United States further added that the Lacey Act and the treaties and agreements mentioned above had worked well to promote bilateral and multilateral cooperation. Furthermore, these measures had contributed significantly to support the conservation of fisheries resources within zones under national jurisdiction. Nevertheless, several problems inhibited full implementation of resolutions 52/29 and 53/33. First, detection of any alleged illegal fishing activity within zones of national jurisdiction depended largely on the enforcement capability of the coastal State. The fishery enforcement capability of many coastal States, however (and especially among developing States with large national zones), was frequently limited because of inadequate resources. Second, prosecution under the Lacey Act was dependent upon a separate violation of an underlying foreign or federal law. Such prosecutions could involve difficult evidentiary issues, for example, proving that a United States-flag fishing vessel had violated a law or a regulation of a foreign country. Third, effective prosecutions under the Lacey Act and in accordance with other international agreements and treaties required strong cooperation between United States and foreign officials. Such cooperation might not always be forthcoming. Fourth, prosecuting violations of unauthorized fishing activities, which occurred within the jurisdiction of a foreign country, was expensive, involving, for example, the cost of providing transportation to witnesses. The United States defrayed the costs of litigating violations of its fisheries laws and regulations through a fund that consisted of monies collected from fines, penalties and forfeitures. Despite these difficulties, the United States was committed to fulfilling its responsibilities as a flag State and believed that it had achieved much to prevent unauthorized fishing in zones under the national jurisdiction of other States by United States-flag fishing vessels.

87. Within its own zone of national jurisdiction, the United States prohibited unauthorized fishing by fishing vessels from foreign countries. The Magnuson-Stevens Act stated that no foreign fishing was authorized within the exclusive economic zone of the United States unless authorized and conducted under, and in accordance with, a valid and applicable permit. With certain exceptions (e.g., regarding trans-shipments), these permits could only be issued if the relevant foreign country had concluded an international fishing agreement with the United States. Such agreements acknowledged the exclusive fishery management authority of the United States, required foreign nations and the owner or operator of any foreign fishing vessel to abide by all United States regulations and provided for enforcement of United States fisheries laws and regulations. Foreign fishing activities within the United States exclusive economic zone were monitored and enforced by the United States Coast Guard and the National Marine Fisheries Service.

2. Information provided by specialized agencies of the United Nations system

88. **FAO**, in its report on the issues of unauthorized fishing in areas under the national jurisdiction of coastal States, stated that the Interregional Programme of Assistance to Developing Countries for the Implementation of the Code of Conduct for Responsible Fisheries had been funded by the Government of Norway and executed by FAO. The project, known as "FISHCODE", had been specifically designed to assist developing countries and small island developing States. Within the framework of this component there had been further follow-up to the regional workshop on fisheries monitoring, control and surveillance (MCS) for countries of the Bay of Bengal and South China Sea held in Malaysia in June/July 1998. During the reporting period a consultant recruited under the programme had visited Indonesia, Malaysia, Thailand and Sri Lanka to assist staff in improving MCS. In addition, a regional workshop on MCS, for countries surrounding the North-west Indian Ocean had been held at Muscat, in October 1999. The workshop had been primarily designed as a forum where presentations on MCS could be made by specialists involved in the fisheries management process, and then discussed, and where participants could outline their management and MCS experiences. A consultant had made a follow-up visit to assist staff of the Department of Fisheries of Oman in implementing their fisheries management programmes and strengthening their MCS programme.

89. The Department of Fisheries of FAO was also involved in an MCS project financed by Luxembourg assisting Senegal, Mauritania, Cape Verde, Gambia, Guinea-Bissau, Guinea and Sierra Leone. The FAO expert on the project was based in Dakar and the aerial surveillance operation was based at Banjul. The intervention in the West African subregion was expected to have a duration of five years and to result in significantly improved levels of MCS. All the countries except Sierra Leone were members of the Subregional Fishery Commission (SRFC). FAO was the executing agency for the unit that supported the SRFC secretariat, based in Dakar. Since so many of the stocks in the subregion were shared, the role of the secretariat was important in ensuring cooperation between States for fisheries management.

90. FAO further added that fisheries in the Bay of Bengal and the South China Sea had annual landings of some 12 million tons. These relatively large fisheries, not only in coastal waters but also on the high seas, were becoming the focus of increased attention of many authorities in their efforts to ensure sustainability of the resources. Data collection over the long term to allow analyses of fluctuations in abundance of the different stocks was a priority, but it needed to be linked to overall management, and as a contribution to this management the role of fisheries monitoring, control and management would undoubtedly increase in importance. A regional training course in fisheries MCS for countries of South-East Asia was to be held in July 2000 at Songkhla, Thailand, under the FISHCODE project. Further missions to individual countries would be undertaken in the course of the year, mainly in countries around the Indian Ocean, to assist MCS. The FISHCODE project was scheduled to end in April 2001 but may be extended.

91. FAO pointed out that one evident difficulty being faced by a number of fisheries administrations was a diagnosis of the situation and the lack of firm advice on what management decisions to apply in the case of a fishery. Certainly MCS can provide information of use to scientists as well as to fishery managers in their assessment of what was happening to a fishery, and on what problems needed to be faced so that decisions could be taken. Where management decisions were being enforced there must be a fair feedback from

MCS personnel to decision makers so that reasonable measures could be taken which were indeed applicable. In a number of situations the application of measures to reduce fishing conflicts must be taken both with sensitivity and with firmness, and this called for considerable judgement on the part of the authorities.

3. Information provided by organs, organizations and programmes of the United Nations

92. In its reply to the Secretary-General dated 16 June 2000, the **United Nations Environment Programme (UNEP)** reported that within its regional seas Conventions and action plans, the Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA) had developed a Strategic Action Programme which included a work plan to implement activities which would contribute to sustainable fisheries management for the period 2000-2003. Some of the major problems facing the sustainability of fisheries in developing countries, especially least developed countries members of PERSGA were the following: (a) weak institutional and legal frameworks; (b) inadequate technical and technological capacity; (c) overfishing of commercial demersal and pelagic fish species and marine invertebrates; (d) unsustainable management of transboundary, migratory and highly migratory species, particularly sharks and mackerels; (e) discarded fish; (f) inadequate capacity in surveillance, monitoring and control of fishing effort; and (g) poaching by foreign fishing vessels, particularly in the waters of countries bordering the Gulf of Aden.

93. UNEP further indicated that the Strategic Action Programme work plan on living marine resources would address those problems within the limitations of the funds made available for implementing the activities under that component. In particular, implementation of the plan would assist, inter alia, in improving surveillance and monitoring capacity and developing fisheries management strategies and action plans for sustaining the threatened species. In addition, with a view to strengthening legal and policy frameworks, the work plan would implement activities aimed at: (a) reviewing and updating current fisheries legislation; (b) identifying gaps, overlaps and conflicts in the laws and regulations pertaining to the sustainable management of living marine resources; (c) developing regional conventions and regulations concerning sustainable fisheries management; (d) identifying existing conventions and regulations concerning sustainable management; and (e) formulating a regional fisheries commission for the management of fisheries (where such a commission did not currently exist).

4. Information provided by regional and subregional fisheries bodies and arrangements

94. **APFIC** reported that the issues concerning illegal, unregulated and unreported (IUU) fishing were widely recognized and were ongoing in the APFIC area, by both developed and developing fishing nations. Some States had been able to curtail such practices through improved MCS.

95. APFIC also indicated that it had collaborated with FAO and Norway in the FISHCODE project (GCP/INT/648/NOR) in organizing a Regional Workshop on Fisheries Monitoring, Control and Surveillance (MCS) in Songkhla, Thailand, from 2 to 9 July 2000 to provide understanding and practical experience on MCS systems (see also para. 90). Participants from Cambodia, Indonesia, Malaysia, the Philippines, Thailand and Viet Nam were invited to the Workshop.

96. **CECAF** stated that MCS was an expensive venture and that the developing countries in the region had continued to encounter problems in executing it. Inadequate or non-existent facilities and terms of the bilateral fishing agreements had encouraged unauthorized fishing activities in the region, namely, poaching, violations of reserved artisanal fishing zones and trans-shipment at sea. The illegal, unreported and unregulated character of those activities had made it difficult for the affected countries to collect reliable catch data. CECAF had promoted the strengthening of subregional and regional cooperation in managing and controlling fishing in the region.

97. CECAF it had offered advisory services on MCS. Such assistance had resulted in the carrying out of a MCS project financed by the Government of Luxembourg for the northern subregion that covered Mauritania, Senegal, Gambia, Guinea, Guinea-Bissau and Cape Verde. CECAF also indicated that at the national level, some countries had initiated participatory MCS activities that involved artisanal fisherfolk whose livelihood had been constantly threatened by the operations of the industrial fishing vessels.

98. **IOTC** indicated that no incidents of unauthorized fishing had been reported to it. However, several Sri Lankan vessels had been arrested in the Seychelles' exclusive economic zone and those arrests had been dealt with through Government-to-Government settlements.

99. Concerning technical assistance to member States, IOTC reported that its support had been mainly through the development of statistical sampling schemes. Liaison was being maintained with the FAO Legal Office, which was actively assisting countries, such as Seychelles and Malaysia, to adapt their legislation to incorporate recently concluded international instruments. A workshop was planned to address those issues for IOTC members.

100. **IATTC** reported that unauthorized fishing in the IATTC's area of competence, including areas of national jurisdiction, did not appear to be a significant problem. The Commission also stated that it had not taken measures to provide financial and/or technical assistance to developing coastal States, least developed countries or small island developing States, to improve monitoring and control of fishing activities and the enforcement of their fishing regulations. It indicated that such assistance was not within the mandate of IATTC.

101. The **International Baltic Sea Fishery Commission (IBSFC)** indicated that no unauthorized fishing had been reported in the Baltic Sea.

102. **NAFO** reported that it did not have any specific programme or opportunities to provide assistance to developing countries. At the meetings of the NAFO Scientific Council there had been several instances of participation of representatives from developing countries, and the Scientific Council had encouraged such participation.

103. **NASCO** stated that it was unaware of any unauthorized fishing for Atlantic salmon by vessels entitled to fly the flag of a particular State in areas under the national jurisdiction of another State. It also indicated that the Commission had been established to contribute to the conservation, restoration, enhancement and rational management of Atlantic salmon and was not involved in the provision of support, financial and/or technical assistance to developing coastal States.

104. **NEAFC** pointed out that the Commission had no authority to become involved in bilateral disputes concerning fisheries in areas under national jurisdiction. It had therefore focused its attention on activity in its regulatory area, which was the area beyond the limits of national fisheries jurisdiction in the Convention area.

105. NEAFC also stated that, as a management organization, it did not have a specific programme to provide assistance to developing countries. However, it indicated that information on its newly established Control and Enforcement Scheme had been made available to FAO and experience had been shared with regional management organizations through meetings arranged by FAO on cooperation between regional fisheries management bodies. If called upon, NEAFC would be willing to share its experience with sister organizations. In addition, it indicated that its secretariat had maintained active links and communication with many correspondents around the world and its documents were available through its Contracting Parties and its web site (www.neafc.org).

106. **SEAFDEC** indicated that no operation of unauthorized fishing vessels in areas under the national jurisdiction of States had been reported in the SEAFDEC region.

107. **WECAFC** reported that there had been reports in its region of unauthorized fishing in zones of national jurisdiction in the 1998-1999 period, but the majority of the reports had not been verified. Those reports dealt with unauthorized small-scale fishing between neighbouring countries in the region, which was probably expected because the exclusive economic zones of Caribbean countries formed a mosaic, which included almost all the marine space in the region. It stressed that unauthorized fishing by industrial vessels (shrimping and longlining for large pelagics by vessels from outside the region), which was probably more important to the region, had been reported in the press, but again had not been verified.

108. The Commission added that a number of countries in the WECAFC region had improved or were in the process of improving their MCS capacity, which was not limited to fishing only. One Caribbean island State was contemplating the introduction of legislation that would require fishing boats to report when they left port and when they had returned.

B. Unauthorized fishing on the high seas: measures to deter reflagging to avoid compliance with applicable obligations, measures to ensure that fishing vessels entitled to fly the flags of States do not fish on the high seas in contravention of the applicable conservation and management rules; and status and implementation of the FAO Compliance Agreement

1. Information provided by States

109. **Qatar** stated that no Qatari vessels were currently engaged in fishing on the high seas.

110. **Panama** reported that the international fishing licence it had established in 1997, requiring an authorization for vessels to fish on the high seas, met the requirements of the FAO Compliance Agreement. In addition, to ensure compliance by vessels with international conservation and management measures, Panama indicated that it had accepted the ICCAT port inspection scheme and that it had established a satellite monitoring programme for its large-scale fishing vessels.

111. **Saudi Arabia** stated that vessels entitled to fly its flag were not permitted to fish on the high seas in contravention of the applicable conservation and management rules. To that end, a cooperation existed among the States members of the Gulf Cooperation Council in formulating and applying the rules governing high-seas fishing activities.

112. In addition, in order to deter reflagging to avoid compliance with applicable obligations and to ensure that fishing vessels entitled to fly its national flag did not fish on the high seas in contravention of conservation and management measures, the Saudi Arabia authorities had required written declarations to observe international conservation and management measures before registering vessels and granting them fishing permits.

113. **Namibia** stated that it had accepted the FAO Compliance Agreement in 1998 and that it was currently in the process of revising its Sea Fisheries Act to ensure that it was in conformity with the Agreement. It indicated also that the revised Fisheries Act contained provisions that would allow it to enforce management measures of fisheries organizations to which Namibia was a party.

114. **Japan** reported that it had accepted the FAO Compliance Agreement on 20 June 2000. Furthermore, to deter reflagging, an authorization from the Government of Japan was required to export fishing vessels which were no longer used in Japan. It indicated also that Japan however did not authorize such export of vessels in order to deter them from avoiding the duty under international fisheries agreement and treaty.

115. **Norway** reported that under its fisheries regulations prior registration at the Directorate of Fisheries was required for its fishing vessels and citizens to engage in fishing activities in areas beyond any State's national jurisdiction and on stocks not regulated by Norwegian authorities. The Directorate of Fisheries was entitled to deny registration to a vessel when the fishery in question was considered to be in contradiction with Norwegian fishing interests, when such a denial was required under international agreements, whenever the fishery in question was covered by a regional or subregional fisheries management organization or arrangement or whenever considerations relating to the rational and sustainable execution or completion of a fishing licence made it advisable to do so. The Directorate was also authorized to withdraw a previously granted fishing licence if a vessel had violated any regulation in force on the high seas or any measure adopted by a regional or subregional fisheries management organization or arrangement.

116. In addition, Norway stated that the export of vessels that had been taken out of Norwegian fisheries in connection with the unit quota system was subject to certain restrictions in relation to importing States. Those vessels had been allowed to be sold only to importing States that had responsible fisheries management regimes not conflicting with Norwegian fisheries interests. Export of new or rebuilt vessels, as well as vessels that had been taken out of Norwegian fisheries in connection with a decommissioning grant, was subject to the same restrictions. In that connection, under Norwegian fisheries regulations, the importing State had to be a party to United Nations Convention on the Law of the Sea.

117. Finally, Norway indicated that it had accepted the FAO Compliance Agreement on 28 December 1994. To

the extent that Norwegian legislation and practice were not consistent with the provisions of the Agreement, adjustments could be made as soon as the Agreement entered into force.

118. **Mauritius** reported that in order to avoid the licensing of vessels of flag of convenience, its Fisheries and Marine Resources Act 1998 had defined vessels which could be licensed as vessels which were wholly owned by: (a) the State of Mauritius; or (b) a statutory corporation in Mauritius; (c) one or more persons who were citizens of Mauritius; (d) a company, society or other association (i) incorporated or established under the laws of Mauritius and (ii) of which at least 50 per cent of the shares carrying voting rights were held by the State of Mauritius, a statutory corporation or a citizen of Mauritius. Mauritius also indicated that the FAO Compliance Agreement was still under consideration.

119. **Uruguay** stated that it was a member of a number of international organizations, including ICCAT and CCAMLR, and was therefore required to implement such measures for the protection of species as might be adopted in the framework of those organizations. Uruguay indicated also that it had accepted the FAO Compliance Agreement with its Act No.17.118 of 21 June 1999.

120. **New Zealand** reported that it recognized the importance of taking measures to ensure that vessels entitled to fly its flag did not fish on the high seas in contravention of applicable conventions and management measures and to deter reflagging. New Zealand Fisheries Act 1996 Amendment (No. 2) Act 1999 had been enacted in order to implement the Fish Stocks Agreement. The provisions of that Act, once they entered into force later in 2000, would make it an offence for a vessel flying the flag of New Zealand to take fish on the high seas unless it had a high seas fishing permit. Conditions for the grant of any permit would include compliance with applicable international conservation and management measures. The legislation would also make it an offence for New Zealand nationals and companies to use any vessel flagged in another country on the high seas unless the vessel had an authorization from another State which had the legislative and administrative mechanisms to exercise control over that vessel, such as a State which was party to the FAO Compliance Agreement, to the Fish Stocks Agreement or to the international or regional conservation and management arrangements in the high seas in which the vessel was authorized to fish.

121. New Zealand also pointed out that it was a participant in a number of international, regional and subregional conservation and management arrangements, such as CCAMLR and CCSBT. It had also entered into an arrangement for the conservation and management of orange roughy on the South Tasmanian Rise and had participated along with other coastal States and distant-water fishing nations in the Second Multilateral High-Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western Central Pacific, with a view to concluding an agreement on the conservation and management of the highly migratory stocks of the region.

122. In addition, New Zealand indicated that it had enacted legislation to enable the implementation of the FAO Compliance Agreement and had given consideration to becoming a party to that Agreement.

123. **Cyprus** stated that it had accepted the FAO Compliance Agreement and its instrument of acceptance was being forwarded to FAO. It pointed out, however, that no measures to deter reflagging were yet in place.

124. **Denmark** reported that, in order to be allowed to fish in international waters, Danish vessels had to be issued a licence by the Directorate of Fisheries. The European Union, through its membership of various regional fisheries organizations, had observed and implemented provisions, including the adoption of long-term strategies for many stocks, on behalf of its member States. Denmark also indicated that fishing vessels from Greenland did not fish in waters outside its national 200-nautical-mile boundary, other than the areas regulated by the NAFO and NEAFC conventions.

125. Furthermore, the European Union, representing Denmark and the other member States, had accepted the FAO Compliance Agreement. In addition, it was responsible for the ratification of the Agreement on behalf of Greenland and the Faeroe Islands. Denmark pointed out in that respect that Greenland had approved the Compliance Agreement and was in the process of carrying out further changes in its legislation to implement the Agreement, while final approval from the Faeroe Islands was outstanding.

126. **Mexico** stated that, as a party to the United Nations Convention on the Law of the Sea, it was

committed to taking measures for the conservation and management of marine species and cooperating at the regional and international levels to achieve sustainable use of marine resources. In that connection, it indicated that its Fisheries Act included a prohibition of reflagging and provisions requiring that the national flag would be granted only to vessels which had surrendered their flag of origin. It also contained provisions establishing the responsibilities of the flag State, as well as provisions stipulating that SEMARNAP was the authority responsible for regulating fishing activities on the high seas and that those activities were subject to authorization (see also paras. 79-80).

127. Another important provision of the Fisheries Act concerned the requirement for the establishment of a register of fishing vessels authorized to fly the Mexican flag and operating on the high seas. The Act also made it an offence to fish on the high seas or in waters under foreign jurisdiction with vessels of Mexican registry and flying the Mexican flag without the necessary authorization or without complying with the conditions and requirements established in the authorizations issued to the Government of Mexico by foreign Governments. The Act had established sanctions, including the issuance of warnings, confiscation of the catch and/or imposition of fines.

128. In addition, Mexico indicated that it had deposited with FAO on 11 March 1999 its instrument of accession in respect of the Compliance Agreement.

129. **Barbados** stated that, to deter reflagging, its open registry for ships tended to exclude fishing vessels. Furthermore, the Government had approved becoming party to the FAO Compliance Agreement and the Fish Stocks Agreement and was preparing to become a member of ICCAT. While steps had been taken to implement those decisions, the capacity of Barbados to discharge the consequent obligations would be challenged for some time to come.

130. **Guyana** reported that its Revised Fisheries Legislation contained a section dealing specifically with fishing on the high seas, the main purpose of which was to implement the FAO Compliance Agreement and the Fish Stocks Agreement and to establish a system for the regulation of fishing vessels of Guyana operating outside areas under national jurisdiction. Thus, fishing vessels acting in contravention of the provisions of the Compliance Agreement were deemed to have committed an offence under the Revised Fisheries Legislation and were liable to sanctions, which included refusal, suspension or withdrawal (cancellation) of the authorization to fish on the high seas.

131. Moreover, in order to fish on the high seas, vessels had to possess valid high-seas fishing permits, and such fishing had to be conducted in accordance with the conditions of the authorization. However, the Minister for Fisheries was entitled to deny the issuance of a permit to any fishing vessel of Guyana, if the vessel had been previously used for fishing in the high seas by a foreign State and if (a) the foreign State concerned had suspended the fishing authorization because the vessel had undermined the effectiveness of international conservation and management measures and the suspension had not expired, or (b) the foreign State, within the last three years preceding the application by the fishing vessel for a permit under the Guyana fisheries legislation, had withdrawn such authorization because the vessel had undermined the effectiveness of the international conservation and management measures.

132. Guyana stressed in that respect that a person who provided false information under the section of the Revised Fisheries Legislation governing the conditions of high-seas fishing permits would commit an offence and be liable, on summary conviction, to a fine, or in default thereof, imprisonment.

133. Moreover, fishing vessels entitled to fly the national flag had to be marked in such a way that they could be readily identified in accordance with generally accepted standards, such as the FAO Standard Specifications for the Marking and Identification of Fishing Vessels. They also had to provide to the Fisheries Division information on their operation such as areas of operations, catches and landings.

134. The **United States of America** indicated that it fully supported compliance with conservation and management measures established by regional fisheries organizations and arrangements. The United States was among the first States to deposit an instrument of ratification for the Fish Stocks Agreement. The United States had also been among the first States to accept the FAO Compliance Agreement.

135. The United States implemented the Compliance Agreement through the High Seas Fishing Compliance

Act of 1995 (HSFCA). In accordance with HSFCA, the Secretary of Commerce (the Secretary) had promulgated regulations to establish a permitting system for high-seas fishing vessels, collect application fees and provide notice of international conservation and management measures recognized by the United States. The regulations also specified unlawful activities and provided for appropriate enforcement, civil penalties, permit sanctions, criminal offences and forfeitures. Vessel identification and reporting requirements applicable to vessels fishing on the high seas have also been implemented. HSFCA required the Secretary to issue permits to United States vessels that fished on the high seas. To date, approximately 1,100 permits had been issued. The permit application under HSFCA collected the information called for by the Compliance Agreement. Also in accordance with the Compliance Agreement, this information was maintained in an automated file of high-seas fishing vessels. The National Marine Fisheries Service regularly provided data to FAO as required under the Compliance Agreement. Furthermore, in accordance with section 104 (d) of HSFCA and in accordance with the Compliance Agreement, the high-seas permits issued were conditioned to require the permit holder to act in compliance with all international conservation and management measures recognized by the United States. By so conditioning permits, the United States was of the view that it had acted to prohibit vessels flying the United States flag from engaging in fishing operations for straddling fish stocks or highly migratory fish stocks, whether or not the United States is a member of, or participant in, the relevant management organization or arrangement for such stocks.

136. The United States was a major proponent of the negotiations under way in FAO to develop an international plan of action to prevent, deter and eliminate IUU fishing. In May, experts meeting in Sydney, Australia, made commendable progress in the development of a draft international plan of action. The United States supports the adoption of text for an international plan of action on this topic, along the lines of that negotiated at the expert consultation.

137. The United States also placed particular importance on the need for improved global status and trends reporting. The FAO Advisory Committee on Fisheries Research pointed to the need for a global fisheries information system or network, made up of regional and national entities. The United States supported this recommendation and urged States to take international action to facilitate such a network. There was an important opportunity for progress in controlling IUU fisheries, in part owing to the establishment of an ad hoc working group on IUU fishing between FAO and the International Maritime Organization (IMO). The United States recommended that the ad hoc working group be represented at the upcoming October FAO Technical Consultation and the February 2001 meeting of the FAO Committee on Fisheries.

138. **Trinidad and Tobago** stated that it did not support reflagging or the practice of open registry for fishing vessels. It was in favour of the FAO Compliance Agreement, although it had not yet been ratified.

2. Information provided by specialized agencies of the United Nations system

139. **FAO** reported that, as of 1 August 2000, 17 members of FAO[3] had accepted the 1993 FAO Compliance Agreement. FAO had urged members to accept the Agreement. In total, three Circular State Letters had been sent to members encouraging their acceptance. In addition, members of the regional fisheries bodies of FAO were urged to accept the Agreement at each of their sessions, and FAO staff, as part of their fisheries work in countries, routinely promoted acceptance of the Compliance Agreement.

140. Furthermore, FAO was working towards the elaboration of an international plan of action to combat IUU fishing, within the framework of the Code of Conduct for Responsible Fisheries. In that connection, an Expert Consultation on IUU fishing, hosted by the Government of Australia in cooperation with FAO, had been held at Sydney, Australia, from 15 to 19 May 2000, to elaborate a preliminary draft. The Consultation had been attended by about 60 experts with a wide range of technical and geographic backgrounds. The report of the Consultation would be made available to the FAO Technical Consultation on IUU Fishing to be held in Rome from 2 to 6 October 2000. It was envisaged that the Technical Consultation would negotiate an international plan of action for submission to the Committee on Fisheries (COFI) at its twenty-fourth session in February 2001 for consideration and possible adoption.

141. In addition, FAO pointed out that, as part of the ongoing focus on IUU fishing, a paper had been prepared for the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, held at United Nations Headquarters in New York from 30 May to 2 June 2000. The paper had provided details of FAO's work in progress on IUU fishing. Plans were also under way to strengthen cooperation between FAO and IMO on IUU fishing. The IMO Marine Safety Committee (MSC), at its seventy-second session, in May 2000, had endorsed a proposal by FAO to establish a Joint FAO/IMO ad hoc working group to address issues pertaining to IUU fishing. The first meeting of the Working Group was expected to take place at FAO headquarters in Rome in October 2000. A report of the meeting would be presented to MSC at its seventy-third session at IMO headquarters in London in December 2000.

3. Information provided by regional and subregional fisheries bodies and arrangements

142. **APFIC** stated that, as few of its member countries were conducting high-seas fisheries, response to the 1993 FAO Compliance Agreement in the APFIC region was still low. Nonetheless, APFIC members had been requested to consider accepting the Agreement and to inform FAO of their decision. The Commission had provided its members with a sample instrument of acceptance for that purpose.

143. **CCAMLR** reported that, over the past three years, the Commission had developed a set of integrated measures aimed at reducing the level of IUU fishing for toothfish in the Convention area, in view of the fact that IUU fishing was seriously depleting toothfish populations, causing high incidental mortality of seabirds (in particular, threatened species of albatross) and undermining the objectives and purposes of the Convention.

144. Moreover, at its 18th annual meeting in 1999, the Commission had adopted a Catch Documentation Scheme (conservation measure 170/XVIII) to track the landings and trade flows of toothfish caught in the Convention area and, where possible, in the adjacent waters. The scheme would allow CCAMLR to identify the origin of toothfish entering the markets of all parties to the scheme and help determine whether toothfish taken in the Convention area had been caught in a manner consistent with the Commission's conservation measures. The Catch Documentation Scheme would become binding upon all CCAMLR members on 7 May 2000.

145. CCAMLR had also drawn up an explanatory memorandum and a Policy to Enhance Cooperation between CCAMLR and non-Contracting Parties, recognizing that the scheme would be most effective if non-Contracting Parties also agreed to participate. It had especially sought the cooperation of non-Contracting Parties which might import toothfish caught in the CCAMLR Convention Area or inadvertently or otherwise provide ports and landing facilities to vessels which might have been operating in IUU fisheries for toothfish, thereby enabling such vessels to continue their damaging operations, or whose flag vessels had been sighted fishing in the Convention area.

146. In addition, CCAMLR indicated that, in 1998, it had encouraged its members to ratify and promote the entry into force of the FAO Compliance Agreement.

147. **CCSBT** reported that at its sixth annual meeting, in March 2000, it had adopted an action plan to ensure the attainment of its objectives. The action plan provided, inter alia, for the possible use of trade-restrictive measures consistent with members' international obligations to address non-cooperating non-member States/fishing entities whose vessels had been catching southern bluefin tuna in a manner which diminished the effectiveness of the Commission's conservation and management measures. Members expected that the action plan would encourage non-member States/fishing entities to join the Commission or to formally cooperate with the management arrangements.

148. **CECAF** reported that its members had been constantly reminded of the FAO Compliance Agreement and of the need for their respective Governments to accept it. To date only one CECAF member, Benin, had accepted the Agreement.

149. **GFCM** reported that at its 1999 session the Commission had discussed the issue and had requested its secretariat to prepare a working document for review by the Commission at its next session in September 2000. The document had been drafted and some proposals for action would be submitted to the Commission. The outcome of the discussion would be reported to the Commission at its session in 2001.

150. **IATTC** stated that unauthorized fishing in its area of competence, including the high seas, did not appear to be a significant problem. As to the FAO Compliance Agreement, IATTC indicated that it would be considering measures to address the matter in the near future.

151. **ICCAT** reported that unauthorized fishing on the high seas had been one of its major concerns. As reported in the past, ICCAT had taken numerous actions aimed at curbing the activities of vessels flying the flag of States that had no control on the fishing activities of such vessels. ICCAT had adopted two plans of action, one for bluefin tuna and another for swordfish, whose aim was to reduce the fishing activities by such vessels which undermined the effectiveness of the regulatory measures adopted by the Commission. According to the action plans, the flag countries whose vessels did not comply with the regulatory measures adopted by the Commission were first identified. If no actions were taken to rectify such practices, those flag countries were then warned that non-discriminatory, trade-restrictive actions might be taken. If the Commission's warning was ignored, it then recommended that Contracting Parties take non-discriminatory, trade-restrictive measures against the products of the species concerned from that party. Similar action could also be taken against any Contracting Parties if their vessels did not comply with the Commission's management measures.

152. ICCAT also pointed out that in 1999 it had identified about 300 IUU fishing vessels and had recommended that its Contracting Parties discourage traders from buying fish from those vessels. In another ICCAT recommendation Contracting Parties had been requested not to allow transhipments and/or landings from vessels that were found to be severely undermining the effectiveness of the ICCAT conservation and management programme.

153. With regard to the FAO Compliance Agreement, the Commission indicated that it carried out ongoing studies on the relationship between the Agreement and the work and mandate of ICCAT. In 1994, its members had adopted resolutions regarding the Agreement. Furthermore, on various occasions, ICCAT had also recommended that the Contracting Parties ratify the Agreement.

154. **IOTC** stated that at its fourth session it had adopted resolutions 99/02 and 99/04 which had addressed IUU fishing issues. The Commission had also been encouraging Contracting Parties as well as Collaborating Parties to ratify the FAO Compliance Agreement.

155. In addition, IOTC had been informed that Taiwan Province of China would reintegrate under its flag 68 longliners currently operating under "flags of convenience". The decision was expected to be a prelude to the scrapping (largely with Japanese financing) of some of its older vessels and would certainly contribute to reducing the dearth of data from "flag of convenience" activities.

156. **NAFO** indicated that the Organization had experienced the effect of unauthorized fishing by non-Contracting Party vessels in the NAFO regulatory area. To meet this challenge, NAFO had established the Standing Committee on Non-Contracting Party Activity in the Regulatory Area (STACFAC). The positive outcome of STACFAC actions in the period 1992-1999 had been the establishment of regular diplomatic contacts and NAFO démarches to the Governments of vessels of non-Contracting Parties fishing in the regulatory area. In 1997, the NAFO General Council had adopted a Scheme to Promote Compliance by non-Contracting Parties Vessels with the Conservation and Enforcement Measures Established by NAFO, which had introduced a comprehensive system of international actions to curtail unauthorized activity by vessels of non-Contracting Parties in the NAFO regulatory area. As a result, such fishing activity had decreased to the lowest level in the past 10 to 15 years.

157. Recent actions of NAFO regarding the issue included: (a) the adoption of the statement according to which the term "non-Contracting Party vessel" would include vessels for which there were reasonable grounds for suspecting them of to be without nationality; (b) the right of a Contracting Party to board a vessel without nationality engaged in fishing activities in the regulatory area; (c) exchange of information among Contracting Parties in respect of their reports to FAO on IUU fishing; and (d) diplomatic démarches to Belize, Honduras, Sao Tome and Principe and Sierra Leone urging them to stop the IUU fishing activities of vessels flying their flag in the NAFO regulatory area.

158. **NASCO** stated that in the past it had experienced problems of fishing for salmon in international waters by non-Contracting Parties.

159. **NEAFC** reported that, in 1998, its Contracting Parties had agreed on a control and enforcement scheme to be applied to the activities of Contracting Party vessels in areas outside national jurisdiction. Besides allowing the mutual inspection of Contracting Party vessels, the scheme required Contracting Parties to notify the NEAFC secretariat of vessels authorized to fish in the regulatory area and to report catches in that area. The secretariat also maintained a database with information on all authorized vessels. Moreover, since January 2000, the Contracting Parties had agreed to require the satellite tracking of all vessels fishing outside areas of national jurisdiction in the North-east Atlantic, and had requested the NEAFC secretariat to supply them with an inspection presence in the area with up-to-date information about ongoing fishing activities.

160. In order to bring the activities of non-Contracting Parties under control, NEAFC Contracting Parties had agreed on measures to promote compliance with NEAFC conservation and management measures by non-Contracting Parties fishing in the Regulatory Area. According to those measures, if fishing were conducted on regulated stocks contrary to NEAFC recommendations, non-Contracting Parties could face a prohibition on landings of those catches. Furthermore, observations of vessels from non-Contracting Parties operating in the Regulatory Area were to be followed up by diplomatic contacts between the President of NEAFC and the Government of the flag State of the observed vessel.

161. The Commission noted that recent actions in that regard had included: (a) the adoption of the statement that the term "non-Contracting Party vessel" as used in the Scheme would include vessels for which there were reasonable grounds for suspecting they were without nationality; (b) the boarding and inspection of vessels engaged in fishing activities in the regulatory area suspected to be without nationality and the adoption of appropriate actions by Contracting Parties in accordance with international law; (c) the sharing among Contracting Parties of any reports that they were preparing for consideration by FAO with respect to the FAO initiative on IUU fishing; (d) and the dispatch of letters to the Governments of Belize, Estonia, Lithuania, Saint Vincent and the Grenadines and Sierra Leone.

162. **NPAFC** reported that the parties to the Convention (Canada, Japan, Russian Federation and United States of America) were required to take appropriate measures individually or collectively to prevent unauthorized fishing activities by their nationals and fishing vessels and to prevent trafficking in illegally harvested anadromous fish. Each party therefore had the authority to board, inspect and detain fishing vessels found operating in violation of the Convention.

163. The **Permanent Commission for the South Pacific (CPPS)** reported that CPPS members Chile and Peru had implemented a satellite monitoring system for locating fishing vessels and monitoring fishing operations. Colombia and Ecuador were in the process of setting up the same system. The issue of a vessel monitoring system would be prominent on the agenda of the forthcoming meetings of CPPS working groups on fisheries matters, particularly industrial-scale fisheries.

164. In addition, in connection with the implementation of the FAO Compliance Agreement, CPPS had completed the final stage of the Agreement for the Conservation of Fishery Resources in the High Seas of the South-East Pacific, also known as the Galapagos Agreement. The Agreement was adopted 14 August 2000.

165. **WECAFC** reported that two WECAFC members, Saint Kitts and Nevis and the United States, had accepted the FAO Compliance Agreement. However, although the Agreement was not yet in force, some of its elements were already being implemented by States of the WECAFC region as their fisheries legislation was being revised and other policy changes concerning national authorizations for vessels to fish on the high seas were being implemented. For example, FAO had provided technical assistance to Barbados and to the countries members of the Organization of Eastern Caribbean States (OECS)[4] in the preparation of a bill entitled "Harmonized OECS High Seas Fishing Law". The bill had been sent to the parliaments of two countries for formal review and adoption into legislation.

4. Information provided by other intergovernmental organizations and convention secretariats

166. The **European Union** indicated that it had accepted the FAO Compliance Agreement in 1996 and was awaiting its entry into force. The Union was also of the view that the objective of the Agreement should be at the root of the future international plan of action against IUU fishing.

IV. Fisheries by-catch and discards, and actions, including through assistance to developing countries, to reduce by-catch, fish discards and post-harvest losses

A. Information provided by States

167. **Qatar** reported that it had accorded considerable attention to the conservation of fisheries and protection of the marine environment. Accordingly, a number of laws and decrees had been enacted, including: (a) a prohibition on the trawling method used by large fishing vessels; (b) a prohibition on fishing with nylon or tripartite nets and on the import of such nets; (c) specification of minimum size of fish; and (d) specification of the mesh size and other fishing gear allowed in fishing operations.

168. **Panama** indicated that it had drawn up a project for the implementation of the Code of Conduct for Responsible Fisheries with the support of FAO. It also had ratified the Agreement on the International Dolphin Conservation Programme.

169. **Saudi Arabia** reported that the States members of the Gulf Cooperation Council were developing rules and practices to reduce by-catches. Once those rules and practices were adopted, the Government of Saudi Arabia would observe them. It also indicated that existing statutes already restricted to the extent possible fish discards and post-harvest losses, through the regulation of transportation, conservation and marketing in the interest of the customer. In addition, to reduce incidental catches of marine mammals, Saudi Arabia had enacted laws prohibiting the catch of marine mammals and prohibiting fishing in areas where they existed in large quantities.

170. **Namibia** stated that under current Namibian fisheries legislation it was an offence to discard fish which had been caught. Furthermore, by-catches had been reduced by the introduction of a system of by-catch levies, which were calculated in such a way that they would deter fishing vessels from targeting by-catch species while ensuring that by-catches were not dumped but instead were handled effectively. In addition, all but a very small number of fishing vessels carried observers on board who had as one of their functions to observe catching operations and to report on non-compliance with by-catch measures.

171. **Japan** indicated that it had required Japanese distant-water tuna longline vessels which intended to operate in areas south of 30 degrees South latitude to be equipped with streamers for avoiding seabird catches as a condition for fishing in those areas, in accordance with the relevant CCSBT decision on the issue.

172. **Norway** stated that under the Norwegian Salt Water Fisheries Act, discarding of all economically important species was prohibited. All fish caught within Norwegian waters had to be brought to port regardless of size, and those portions of the harvest caught as by-catch would be confiscated upon landing and deducted from the quotas. As an additional measure, Norway had developed a programme to monitor different fisheries at sea and to close areas temporarily where the intermixture of juvenile fish was above certain levels, until the intermixture had decreased.

173. Norway added that since the long-term closure of fishing grounds might cause problems in attaining a rational fishery, long-term efforts had focused on improving the selectivity of trawl gears through the development of grid technology in the shrimp and cod fisheries. The use of grid technology in the shrimp and cod fisheries had become compulsory in 1993 and 1997 respectively.

174. **Mauritius** reported that the types of fisheries practised in Mauritius did not produce by-catch except in one situation, where remedial action was being envisaged.

175. **Uruguay** stated that it had issued Decree No. 248/997 of 23 July 1997, by which a series of measures had been adopted for the protection of albatross and other species of seabirds during fishing activities. In addition, Uruguay, as a member of a number of

international organizations, including ICCAT and CCAMLR, was required to implement such measures for the protection of species as might be adopted in the framework of those organizations.

176. **New Zealand** reported that it was an offence under its fisheries law to dump any fish species that was subject to the quota management system, the primary management tool for the main commercially fished species in New Zealand. The primary exemptions to that rule were where size restrictions applied (in which case a fisher was required to return any undersized fish to the sea) or where the fish had been returned or abandoned to ensure the safety of the vessel or crew. Discarding of non-target fish species, which were not subject to the quota management system, was not prohibited. Observers were regularly deployed on vessels operating in New Zealand's main fisheries to undertake a number of duties, including regular monitoring of the level of discards.

177. New Zealand further reported that in the past two years the Ministry of Fisheries had commissioned four projects to investigate the nature and extent of fish by-catch and discards in New Zealand's main trawl fisheries, tuna longline fisheries, and the bottom longline fishery for ling. The research was ongoing. However, results to date from these projects suggested that total discard rates across these fisheries ranged from 1 to 5 per cent of the total weight retained. In the main trawl fisheries, it appeared that most discards of target species or species subject to the quota management system were attributable to gear failures or burst nets.

178. Increasingly, vessels operating in New Zealand's larger trawl fisheries (hoki and southern blue whiting) had on-board meal plants and had utilized fish species that would have been discarded in the past. Further, continued market development for products derived from secondary species was resulting in greater utilization of those species, some of which might have been discarded in the past.

179. **Cyprus** stated that by-catches, fish discards and post-harvest losses were insignificant and therefore no specific actions had been considered necessary.

180. **Denmark** reported that technical conservation measures were an important tool in terms of protecting young fish stocks, limiting discards and improving selectivity in fisheries. In that respect, given the general need for knowledge and research, as well as general integration of environmental policies in all areas, the EU Council of Fisheries Ministers had recently prepared a report on integrating environmental issues and sustainable development into fisheries policy. The exercise would lead to a comprehensive review in 2001 of the process of integrating environment protection requirements and sustainable development into priority sectoral policies, as well as the adoption of a strategy for sustainable development.

181. In addition, Denmark indicated that Greenland had also approved the Code of Conduct. However, while the provisions of the Code to a large degree were already reflected in the existing national legislation of Greenland, attention was being directed to the question of whether further changes in the legislation were necessary in order to fully implement the Code.

182. With regard to assistance to developing countries, Denmark stated that EU had entered into fisheries agreements with several countries of the African, Caribbean and Pacific regions. Provisions of these agreements included development assistance regarding monitoring of fish stocks, scientific research etc., with the objective of a sustainable exploitation of fisheries resources.

183. **Mexico** reported that its 1995-2000 Fisheries and Aquaculture Programme, which constituted its national fishery policy instrument, included two subprogrammes to reduce by-catches, fish discards and post-harvest losses, involving (a) research into the monitoring and optimization of fisheries and (b) research and technological development in commercial fisheries harvesting, the objectives of which were to assess the technical and operational efficiency of fishing methods in commercial fisheries; to optimize fishing-gear prototypes according to the type of vessels and the conditions prevailing in the fisheries; to assess selectivity processes in the principal types of commercial fishing gear; and to develop alternative methods and devices for fishing and exclusion to eliminate by-catch, especially in trawl fishing, and make such methods more effective in terms of environmental protection.

184. In addition, Mexican authorities had also implemented two programmes which had been very effective in reducing by-catch in commercial fisheries. Under the first, dolphin by-catch in tuna fisheries had been reduced by 98 per cent in the past 10 years through the use of special equipment, the carrying out

of manoeuvres and the supervision of 100 per cent of fishing trips. Furthermore, efforts to protect sea turtles had been strengthened through the use of turtle excluding devices throughout the Mexican shrimp-fishing fleet. Feasibility studies were also being conducted on the use of fish-excluding devices to minimize the by-catch of non-target species and particularly of juvenile fish, and tests were being conducted with a view to making use of companion species, minimizing discards, releasing live non-target fish such as juvenile tuna and swordfish and other "sharp-nosed" species (*picudos*) in longline tuna fisheries in the Gulf of Mexico and reviewing the practice of catching and releasing species reserved for game fishing.

185. **Barbados** stated that by-catch, discards and post-harvest losses were not issues for Barbados. Moreover, the provision of international assistance to facilitate implementation of the Code through institutional analysis and capacity-building had been disappointing. An example of this was the poor donor response to the extrabudgetary FAO programme for the small island developing States.

186. **Guyana** reported that it had implemented its Marine Boundaries Turtle Excluder Device Order (1994), which dealt with the problem of accidental harvesting of turtles by trawl nets. Accordingly, penalties were imposed for non-compliance with Guyana's sea turtle protection regulations, contained in the enforcement programme developed in May 1999. As regards fish discards, fishermen and companies had been required to submit log-sheet data on a monthly basis to the Fisheries Division, and processing plants had to submit production data on their daily operations. Furthermore, as part of an at-sea observer programme, a training and orientation workshop for fisheries observer trainees had been conducted in Guyana from 24 January to 4 February 2000. The trainees were tentatively scheduled to commence work on 1 July 2000.

187. Guyana further reported that it had distributed copies of the Code of Conduct for Responsible Fisheries to the various fishermen's cooperative societies, large companies, the Guyana Association of Trawler Owners and Seafood Processors and other relevant stakeholders in the industry. A series of seminars on the Code was also being planned for the three counties, Essequibo, Demerara and Berbice, at which the major aspects of the Code would be dealt with.

188. The **United States of America** indicated that it was especially interested in efforts to reduce by-catch, fish discards and post-harvest losses. By-catch had become a central concern of fishing industries, resource managers, scientists and the public, both nationally and globally. By-catch concerns stemmed from the apparent waste that discards represented when so many of the world's marine resources were either utilized to their full potential or were overexploited. In addition to by-catch of fisheries resources, by-catch issues applied to marine mammals, sea turtles, seabirds and other components of marine ecosystems. It was increasingly recognized in the United States and throughout the world that by-catch could impede efforts to achieve sustainable fisheries. Since the 1997 United States report to the Secretary-General (A/52/555, paras. 23-25), the United States had undertaken additional important steps to reduce fish discards and by-catch in domestic and international fisheries. Domestically, a recent assessment of discarding in United States fisheries had indicated that of 159 distinct fisheries, discarding affected at least 149 species or species groups. The passage of the Sustainable Fisheries Act in 1996 represented an important milestone on the by-catch issue (for details of the Act, see A/52/557, para. 96). As directed by the Magnuson-Stevens Fisheries Conservation and Management Act, the National Marine Fisheries Service (NMFS) had recently developed advisory guidelines to assist implementation of various national standards.

189. In order to respond to by-catch issues and increasing regulatory requirements, the United States fishing industry in 1992 had initiated a series of workshops which had resulted in the preparation of a national By-catch Plan to clearly articulate NMFS objectives, priorities and strategies in this area (see also A/52/557, para. 97).

190. The United States was also actively involved in efforts to reduce by-catch and fish discards in international fisheries through international treaties and domestic legislation. These efforts included measures to reduce dolphin mortality in the eastern tropical Pacific tuna fishery and the incidental mortality of sea turtles in commercial shrimp fisheries throughout the world, efforts to enforce the worldwide ban on drift-nets and voluntary plans to mitigate the mortality of

seabirds in longline fisheries. The United States had also strongly advocated for and supported provisions on minimizing waste, discard and catch of non-target species (both fish and non-fish species) in the recently concluded negotiations to establish a regional fisheries management organization for highly migratory fisheries in the central and western Pacific Ocean. The United States was also party to several international agreements and measures that contain provisions on by-catch and discards.

191. Regarding assistance provided to developing countries on by-catch reduction efforts, the United States reported that the United States Agency for International Development (USAID) was the primary independent government agency that dispenses foreign aid for civilian purposes. Since 1979, USAID had identified three main areas of fisheries assistance priorities: (a) stock assessments; (b) pond dynamics in aquaculture; and (c) post-harvest losses/spoilage and by-catch reduction. Over the years, USAID had dedicated funding to the first two priorities, but had not committed substantial funding in the area of by-catch reduction.

192. **Trinidad and Tobago** stated that the use of turtle excluder devices by commercial shrimp trawlers was mandatory under the laws of the country. Furthermore, Trinidad and Tobago was a member of the WECAFC Ad Hoc Working Group on Shrimp and Groundfish along Brazil, Guyana, French Guiana, Suriname and Venezuela. The Working Group had conducted continuing assessments of shrimp and groundfish resources of the subregion and had collaborated on methods and devices for the reduction of by-catches and fish discards. Moreover, Trinidad and Tobago was a participating member of the UNEP Global Environmental Fund project entitled "Reducing the Impact of Tropical Shrimp Trawling Fisheries on Living Marine Resources through the Adoption of Environmentally Friendly Techniques and Practices" (see paras. 169-171 below).

193. In addition, Trinidad and Tobago indicated that a Fish Processing and Quality Assurance Unit had been attached to the Fisheries Department of the Caribbean Fisheries Training and Development Institute which was operated by the Government of Trinidad and Tobago through the Ministry of Agriculture, Land and Marine Resources. The Unit had conducted training of fishermen, vendors and salespersons, officials of the ministries of Health, Agriculture and Fisheries and the general public in proper fish handling, as well as preservation techniques and quality assurance. The training was carried out at both institutional and community levels.

B. Information provided by specialized agencies of the United Nations system

194. **FAO** reported that it had executed the preparatory phase of a project aimed at reducing the environmental impact of tropical shrimp trawl fisheries involving 13 developing countries from four different regions with funding from the Global Environment Facility (GEF). Capture of juvenile food fish had been identified as a major problem in these fisheries and future assistance programmes by FAO would be devoted to mitigate that problem. One of the regular programme projects of FAO was aimed at reducing both by-catch and discards in fisheries through a combination of selective fishing to reduce by-catch and better utilization of by-catch in order to reduce discards. Another project was aimed at making better use of low-value catches and underutilized species. Furthermore, FAO was collaborating with the Natural Resources Institute of the United Kingdom and with institutes in countries of West Africa in validating methodologies for post-harvest fish loss assessment and in preparing loss assessment manuals.

C. Information provided by organs, organizations and programmes of the United Nations

195. **UNEP** reported that it had been the implementing agency for the project entitled "Reducing the Impact of Tropical Shrimp Trawling Fisheries on Living Marine Resources through the Adoption of Environmentally Friendly Techniques and Practices" which was executed by FAO with GEF funding.

196. The project, which was now nearing completion, was global in scope and had included the participation of Bahrain, Bangladesh, Cameroon, Costa Rica, Colombia, Cuba, Indonesia, the Islamic Republic of Iran, Nigeria, the Philippines, Trinidad and Tobago, the United Republic of Tanzania and Venezuela. Its primary objective was to organize regional and national activities aimed at reducing the effects of tropical shrimp trawling operations on habitats and species by:

(a) promoting the use of best practices and technologies, including by-catch exclusion technology; and (b) facilitating the development of strategies and the revision of national policies so as to remove existing barriers to adopting practices designed to minimize impacts on non-target species and habitats.

197. As part of the project's activities, a Workshop of National Coordinators had been convened in Rome, from 17 to 19 March 1999. Participants had provided brief overviews of shrimp trawl fisheries in their respective countries, focusing on the nature and scale of identified problems relating to by-catch, discards and habitat impacts. The workshop was followed by four regional workshops held in each region with the participation of all countries with important shrimp fisheries.

198. In addition, a number of UNEP-related conventions and action plans under the regional seas programmes, had at various levels addressed the issues of fisheries by-catch, fish discards and post-harvest losses within their respective mandates.

D. Information provided by regional and subregional fisheries bodies and arrangements

199. **APFIC** reported that it had organized a Symposium on Fish Utilization in Asia and the Pacific at Beijing in September 1998. The Symposium addressed issues concerning by-catches, low-value fishes, discards and wastes, including their utilization and improved processing technologies.

200. **CCAMLR** pointed out that there was a paucity of information on the abundance of by-catch species, especially those of the families *Rajidae* and *Macrouridae* that were caught in longline fisheries. The Commission had therefore adopted a number of measures aimed at reducing by-catch in fisheries, including all new and exploratory fisheries (both longline and trawl), as well as at the collection of by-catch data. Those measures had been incorporated in the CCAMLR conservation measures. Progress had also been made with the development of a general CCAMLR conservation measure on by-catch management.

201. **CECAF** indicated that the issues of by-catches and discards were more relevant in the shrimp fisheries. The shrimp trawlers in the region, usually under pressure to meet landing targets, had significant by-catches, which they discarded. Artisanal fishermen had collected some of the unwanted fish, but the major portion had been dumped at sea. Some demersal trawlers also registered by-catches, which they had landed or sold at sea.

202. In that connection, CECAF reported that concerns relating to by-catches and discards in shrimp fisheries had been the object of a recent GEF/UNEP/FAO Regional Workshop on Reduction of the Impact of Tropical Shrimp Fisheries held at Lagos in December 1999. The Workshop, inter alia, had not only elucidated the efforts being made by some African countries in addressing the problem, but had also pointed out how discards/by-catches were being handled and utilized in the respective countries. In addition, post-harvest losses had been the focus of an EU-financed regional fish catch utilization project, conducted at Abidjan. Through external assistance (mainly through FAO), Governments had complemented regional efforts in strengthening their quality assurance systems to comply with EU fish and fishery product import regulations. Assistance had also been provided through information supply, advice and direct technical assistance in promoting and developing value-added products; in some cases from by-catches.

203. **CPPS** indicated that in its South-East Pacific Fisheries Management and Modernization Project, the Commission would take into account issues relating to the reduction of size of catches and post-harvest losses as the best way of helping to conserve fisheries resources and protect fisheries.

204. **GFCM** indicated that its Scientific Advisory Committee in May 2000 had discussed the issues of post-harvest losses. The subsidiary bodies of the Advisory Committee had been instructed to follow up on the matter and report to the Commission at its subsequent sessions.

205. **IOTC** reported that since its third session, it had been given a mandate to collect statistical data on by-catch and discards. Consequently, it had addressed requests to Contracting and Coliaborating Parties to provide data, but responses had been limited because most existing statistical systems did not record non-target and dependent species (NTADs). Moreover, software currently under development was intended to be distributed to interested parties for recording

logbook and port-sampling surveys, including provision for recording data on NTADs. In addition, IOTC was setting up port sampling in a number of key longline landing and trans-shipment centres that would record retained by-catch, and skippers would be interviewed on discarding. The Commission indicated, however, that little was expected of the exercise, since the only way to accurately record discards was recognized to be observer programmes, which were currently rare because of cost and logistical considerations.

206. **IATTC** reported that at its 58th meeting (San José, 3-5 June 1997) the IATTC Parties had agreed to establish a By-catch Working Group to address the problem of by-catches and discards associated with purse-seine fisheries in the eastern Pacific Ocean. The latest recommendation of the Working Group had included several operational and research recommendations designed to reduce the capture and discards of small tuna and non-target species.

207. In a resolution on by-catch adopted at the 66th meeting (San José, 12-15 June 2000), the IATTC Parties had agreed to implement, as of 1 January 2001, a one-year pilot programme to require all purse-seine vessels to first retain on board and then land all bigeye, skipjack and yellowfin tuna caught, except fish considered unfit for human consumption for reasons other than size, in order to provide a disincentive to the capture of these small fish. In the same resolution, the Parties had further requested the secretariat to continue evaluating the effectiveness of other measures to reduce by-catch and to develop a programme, for consideration by the Parties before the end of 2000, for obtaining data on by-catches by purse-seine vessels not covered by the observer programme and by longline vessels and other tuna-fishing vessels.

208. **IBSFC** stated that by-catches were monitored and regulated in the Baltic Sea by the IBSFC Fishery Rules.

209. **ICCAT** reported that considerable assistance had been provided to developing countries for monitoring and controlling fishing activities, mostly in the form of technical assistance and, in some cases, financial assistance. In particular, ICCAT experts had visited those countries to provide specific advice relative to each country's fishing as well as consultation advice to improve data collection schemes, monitoring and enforcement systems. In the past, several training courses had been given to scientists and technicians working in those fields. ICCAT had also provided financial assistance to developing countries for carrying out biological sampling and observer programmes and for the collection of statistics.

210. **NAFO** reported that, although as an international organization, it did not become involved in any direct support activity to developing countries, NAFO experience was accessible and available through numerous NAFO publications circulated broadly around the world and through the NAFO web site (www.nafo.ca).

211. NAFO indicated also that it had adopted a number of specific regulations to deal with the matters of by-catches, discards and post-harvest losses, through the NAFO Conservation and Enforcement Measures. Regulations provided for incidental catch limits, recording of catch; report of by-catches, minimum fish size and specific management measures for shrimp fisheries.

212. **NASCO** stated that the Commission was concerned about the possible by-catch of salmon in pelagic fisheries in NASCO's North-east Atlantic Commission area. With regard to assistance to developing countries to reduce by-catches, NASCO had been established to contribute to the conservation, restoration, enhancement and rational management of Atlantic salmon and was therefore not involved in the provision of financial and/or technical assistance to developing countries.

213. **NEAFC** reported that the control and enforcement scheme which was adopted in 1998 by its Contracting Parties required vessels fishing in the regulatory area to keep a logbook for recording catch and fishing effort and a production logbook during operations in international waters. The logbook had to allow for the recording of catch discarded as an option for the Contracting Parties. NEAFC recommendations provided also for a minimum mesh size when fishing for capelin and blue whiting. No rules, however, existed on by-catches of other species, except that they had to be recorded and reported.

214. **SEAFDEC** reported that it had promoted and developed turtle excluder devices and had demonstrated them in the region under a long-term programme for the conservation and management of sea turtles. A series of regional meetings had also been held to promote awareness-raising on the issue.

SEAFDEC cautioned, however, that the term "by-catch" was not appropriate in the context of SEAFDEC and the Association of South-East Asian Nations (ASEAN), and the term "incidental catch" was coming to be preferred in the region. In addition, SEAFDEC had also begun to develop juvenile and trash fish excluder devices.

215. **WECAFC** reported that some countries in the region which had shrimp trawl fisheries (e.g., Brazil, Colombia, Guyana, Mexico, Suriname, Venezuela) were now landing more by-catch for human consumption than in the past, partly as a result of increasing demand for fish and higher prices for fish. By-catch to a greater or lesser extent in most countries was now more important commercially, and by-catch of certain species, together with the factor of size, had become a target only second in importance to shrimp. The trend was likely to continue in view of growing populations, changing food habits and increasing fish prices.

216. WECAFC added that the issue of by-catch, discards and utilization was to a large degree area-specific, since each area had its own features. For example, by-catch had been produced not only by industrial shrimp trawlers but also by artisanal and semi-industrial trawling for shrimp in the region. The proportion of juvenile fish (and shrimp) appeared to be higher in those sectors. However, given their fishing methodology, by-catch reduction devices would be difficult to incorporate.

217. In an attempt to reduce by-catch from trawl fishers, some countries had introduced turtle exclusion devices. Mexico and Venezuela were experimenting with the use of fish exclusion devices, with a focus on juveniles.

E. Information provided by other intergovernmental organizations and convention secretariats

218. **CMS** stated that the question of incidental catch of cetaceans, seabirds and marine turtles from fishing operations was of grave concern to CMS and its related agreements. By-catch had been known to be a major factor in mortality rates of a number of migratory species listed on the appendices of CMS and subject of specific agreements concluded under the auspices of that Convention. A resolution adopted at the sixth meeting of the Conference of the Parties (Cape Town, 1999) had highlighted the threat to the survival of endangered migratory species from incidental catch in fishing operations. In view of this situation, provisions had been included in CMS associated agreements and actions had been taken at their respective meetings to address the issue of incidental catch of non-target species.

219. In addition, CMS was currently supporting a study on fisheries interactions in Sri Lanka which would examine, among other things, the extent of by-catch of Olive Ridley Turtles. Furthermore, a CMS-sponsored regional agreement for the Indian Ocean currently under development would also address marine turtle by-catch.

V. Implementation of the FAO international plans of action for the management of fishing capacity, for reducing incidental catch of seabirds in longline fisheries and for the conservation and management of sharks

A. Management of fishing capacity

1. Information provided by States

220. **Panama** stated that, in accordance with and in furtherance of the international action plans for the management of fishing capacity, it had reduced its fishing fleet by more than 70 per cent and had adapted its fleet to the requirements of regional organizations of the areas in which these vessels fished.

221. **Japan** reported that the Government of Japan had taken appropriate measures to reduce by about 20 per cent the number of its distant-water tuna longline vessels in accordance with the International Plan of Action for the Management of Fishing Capacity.

222. **Norway** reported that its Ministry of Fisheries was currently awaiting a report from the Directorate of Fisheries with suggestions for a plan of action for the management of fishing capacity.

223. **Mauritius** stated that although it did not have the elaboration of a large fishing capacity, in the labour-intensive artisanal fishery, fishermen were being

encouraged to surrender their nets (large nets, gill nets and cast nets). It pointed out that its Fisheries and Marine Resources Act of 1998 had completely banned the use of cast nets and had reduced the number of large nets in Mauritius from 33 to 10 and gill nets from 19 to 10.

224. **Cyprus** indicated that it managed fishing capacity through the granting of fishing licences.

225. **Denmark** stated that the European Union had adopted the International Plans of Action for the Management of Fishing Capacity. Moreover, the recommendations therein were in accordance with the general elements of the European Union Common Fisheries Policy. The EU total allowable catch (TAC) quota regulation, supported by scientific advice, had also been an important instrument in EU fisheries management. In that connection, Denmark indicated that the introduction in EU of the multi-annual guidance programmes had the objective of adjusting EU fleet capacity to a level corresponding to the available fisheries resources.

226. In addition, Denmark indicated that the Greenland Home Rule Government was currently analysing to what extent the guidelines contained in the International Plans of Action for the Management of Fishing Capacity, were relevant for Greenland.

227. **Mexico** reported that it had been working towards the implementation of the recommendations contained in the International Plan of Action for the Management of Fishing Capacity, mostly through the assessment and monitoring of fishing capacity and by preparing and implementing national fishing capacity management plans.

228. Mexico also had been working at the regional level within the framework of the Inter-American Tropical Tuna Commission (IATTC), of which it was a member, where measures had been adopted to limit the growth of the fishing fleet operating in the eastern Pacific Ocean. In 1998, it had been agreed that the carrying capacity of Mexico's purse-seine tuna-fishing fleet in the eastern Pacific should be restricted, and those restrictions were currently in force.

229. Mexico also hosted a technical consultation in December 1999, which had produced recommendations on elements to be considered in measuring fishery capacity.

230. **Barbados** stated that the International Plan of Action for the Management of Fishing Capacity would receive attention in the revision of the Barbados Fisheries Management Plan, which was currently in progress.

231. **Guyana** reported that the problem of overcapacity was practically non-existent in the Guyana fishing industry. Although evidence had shown that some species of large penaeids might have been overexploited, there were other species of finfish which were virtually not being exploited to their full potential.

232. In addition, Guyana's industrial trawl fishery, which consisted of 126 trawlers that had fished mainly for prawns, seabob with some species of finfish occurring as by-catch, was a limited entry fleet which currently had a limit of 100 vessels for prawns and 30 for seabob. There were no plans to increase that limit in the near future. Guyana also indicated that the semi-industrial fishery, which consisted of vessels known as handliners which targeted mainly snappers and groupers, was currently being expanded. However, that expansion, which was being guided by a survey conducted by Fritjodf Nansen, was being carried out in a cautious manner, until more was known about the availability of the resource.

233. Guyana further reported that its artisanal fishery, which consisted of about 1,300 vessels which targeted mainly finfish, was currently an open-access one with no limit to the number of vessels which could enter the fisheries. However despite this absence of limits on fleet size in the sector, expansion had not been occurring in a rapid manner.

234. The **United States of America** indicated that it had taken a number of internal actions to study, assess and begin to address the problem of overcapacity in its domestic fisheries. First, a congressionally mandated study (the Federal Investment Study) prepared by a task force of non-government experts and completed in mid-1999 had examined the roles of federal subsidies and other government programmes that influenced levels of capacity and capitalization in federally managed fisheries. Second, NMFS had formed an internal task force of fishery economists and other experts to develop qualitative and quantitative measures of harvesting capacity in the fisheries sector, and this task force had issued its final report with recommendations in late 1999. Third, pursuant to this

task force report on capacity, NMFS had decided to undertake two reports on levels of capacity and overcapacity in federally managed fisheries: (a) a qualitative report to be completed in June 2000, and (b) a more technical quantitative report to be completed at the end of fiscal year 2000.

235. With those steps, the United States had made significant progress in determining the causes of overcapacity in its domestic fisheries, had developed formal metrics to assess levels of capacity and overcapacity and had applied those measures to federally managed fisheries with the result that the United States Government had a much more solid understanding of the precise scope and extent of the overcapacity problem in our domestic fisheries. In the coming years, NMFS would seek to remedy this problem. The goal, as stated in the National Oceanic and Atmospheric Administration (NOAA) Fisheries long-term strategic plan, was to reduce by 20 per cent the number of overcapitalized fisheries by fiscal year 2005.

2. Information provided by specialized agencies of the United Nations system

236. **FAO** reported that it had taken steps to provide support to the implementation of the International Plan of Action for the Management of Fishing Capacity. In that connection, it indicated that a Technical Consultation had been organized in Mexico from 29 November to 3 December 1999 to address issues pertaining to the measurement of fishing capacity. Technical guidelines for the measurement and management of fishing capacity were being prepared and were scheduled to be published during the latter half of 2000. Together with the existing Code of Conduct for Responsible Fisheries, technical guidelines on fishery management, the document would provide guidance for the implementation of the International Plan of Action. FAO also was in the process of organizing a series of regional workshops on the management of fishing capacity. An expert consultation on the reduction of fishing capacity would also be organized in 2001.

3. Information provided by regional and subregional fisheries organizations

237. **AFPIC** stated that it had informed its members about the International Plan of Action for the Management of Fishing Capacity.

238. **CECAF** indicated that appropriate regulatory measures were being taken to limit licences and vessel size in an effort to address the overcapacity issue, especially in the demersal fisheries in the region. Considering the sensitive nature of fishing licences in most of the countries, the measures indicated a shift in political will to reduce fishing capacity. Meanwhile, the measurement of fishing capacity in the region through guidelines was being developed.

239. **CPPS** stated that it was important to adopt at the national and regional levels the International Plan of Action for the Management of Fishing Capacity.

240. **IATTC** indicated that its Contracting Parties had agreed to limit their purse-seine fleet capacities to specified levels until June 2000, when the limits would be discussed at the annual meeting of the Commission. The Parties had also agreed to establish a Permanent Working Group to regularly address capacity issues and to prepare a comprehensive draft plan for the regional management of fishing capacity in accordance with the FAO action plan.

241. **ICCAT** stated that it had participated in the development of the International Plan of Action for the Management of Fishing Capacity. After it had been adopted by the FAO Committee on Fisheries, the Commission had officially resolved to support it.

242. **IOTC** stated that Commission resolutions 99/02, 99/03 and 99/04, had addressed the fleet capacity management issue. There was also considerable pressure from coastal States to ensure that they were allowed the opportunity to develop their own tuna fisheries.

243. **NEAFC** indicated that it had not taken up the issue of an international plan of action for the management of fishing capacity.

244. **SEAFDEC** reported that it had commenced promoting the management of fishing capacity under phase III of its programme relating to the regionalization of the FAO Code of Conduct for Responsible Fisheries. It indicated also that a joint activity with FAO had been planned before the end of 2000 on the issue of excess fishing capacity.

4. Information provided by other intergovernmental organizations and convention secretariats

245. The **European Union** noted that under the work schedule for the International Plan of Action for the Management of Fishing Capacity it would make its submission to the FAO Committee on Fisheries in February 2000. At the Community level, the member States and the Commission would work jointly to present an EU draft plan on the issue.

B. Reduction of incidental catch of seabirds in longline fisheries

1. Information provided by States

246. **Denmark** indicated that EU, on behalf of its member States, had adopted the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries. The recommendations therein were in accordance with the general elements contained in the EU Common Fisheries Policy.

247. Denmark added that the Greenland Home Rule was currently analysing to what extent the guidelines contained in the International Plan of Action might be relevant for Greenland.

248. **Japan** stated that the Government of Japan was planning to draw up a domestic plan of action in respect of the International Plans of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries.

249. **Norway** indicated that its Ministry of Fisheries had requested a report from its Marine Research Institute on incidental catches of seabirds in longline fisheries and would consider follow-up measures in the light of the report. The Institute had already tested several different ways of reducing such incidental catch.

250. **Uruguay** reported that it had issued Decree No. 248/997 on 23 July 1997, by which a series of measures had been adopted to protect the albatross and other species of birds during fishing activities.

251. **New Zealand** stated that it and its adjacent islands supported the world's most diverse community of albatross, many species of which were endemic to New Zealand. It therefore had a major responsibility to ensure that those communities were protected from human-induced mortality and had placed emphasis on development measures to reduce the incidental mortality of seabirds, particularly in longline fishing for tuna. In late 1998, for example, experimentation and trials had been undertaken regarding the sink rates of longline setting devices. As a result of these experiments, its vessels, which were authorized to fish in the waters within the CCAMLR Convention area to have a zero seabird catch for the 1998-1999 and 1999-2000 seasons.

252. In addition, in line with the recommendations of the FAO International Plan of Action on seabirds, New Zealand had developed a draft national plan of action on seabirds, proposing the establishment of seabird capture limits in all fisheries that were currently believed to be experiencing by-catch problems with albatross and petrels. The action plan was scheduled to be approved by 1 October 2000.

253. In addition to the development of its national plan of action, the New Zealand Government and the national fishing industry would be jointly hosting the International Fisheries Forum on the issue, to be held at Auckland in November 2000.

254. **Cyprus** stated that no seabirds were caught by the fishing methods used by its vessels.

255. **Mexico** reported that it did not currently keep records of by-catches of seabirds in its longline fisheries. However, the country's longline fisheries were being studied to determine whether there was a problem with such by-catches. If there was, a national plan of action would have to be adopted.

256. **Barbados** stated that the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries had been noted. However, the incidental catch of seabirds was not an issue for the longline fisheries of Barbados.

257. **Guyana** indicated that the problem of incidental catch of seabirds in its fisheries was not prevalent owing to its tropical situation and the absence of longlining fishing activities. If any seabirds were caught incidentally in Guyana fisheries, the amount was very minimal.

258. The **United States of America** indicated that United States Government agencies had not waited for the passage of the International Plan of Action to begin the work of seabird protection and management. Many measures had already been implemented to reduce the

incidental catch of seabirds through statutes, including the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act and the Migratory Bird Treaty Act. The United States national plan of action was currently under development as a collaborative effort between the National Marine Fisheries Service (NMFS) and the United States Fish and Wildlife Service (FWS), with anticipated completion of the plan by fall 2000.

259. The United States added that the Pacific regions of NMFS had been studying incidental seabird catch for several years and were in the process of quantifying the incidental catch in their respective longline fisheries. NMFS had recently completed a study of the effectiveness of seabird avoidance measures in the North Pacific longline fisheries. FWS and NMFS continued to work collaboratively on biological research on seabirds, including a biological opinion on the Bering Straits/Aleutian Islands and Gulf of Alaska groundfish fisheries interactions with the short-tailed albatross. As required by the Endangered Species Act, the fisheries with likely interactions between listed seabird species were subject to observer requirements.

260. As signatory to the Convention on the Conservation of Antarctic Marine Living Resources, the United States required its vessels in Convention area waters to comply with Convention guidelines on seabird protection. The Pacific Halibut Act also authorized the Alaska region to promulgate regulations, including those concerning seabirds, on the halibut fishery. Both the Pacific and the Western Pacific management councils were developing new seabird protection measures in their respective longline fleets. The Western Pacific Fishery Management Council had also held additional workshops designed to educate longline fishermen about reducing their seabird incidental catches.

261. NMFS had developed an agency-wide plan of action to address in general terms the management of by-catch in the national fisheries, including reducing the incidental catch of seabird species.

262. The United States indicated that FWS and NMFS were preparing a formal memorandum of understanding that detailed the national plan of action as a cooperative effort between the two agencies while describing the delegation of duties. The national plan of action inter-agency seabird working group continued to collect and organize information on seabird fisheries interactions within the framework of the plan of action. This brought together intra-agency as well as inter-agency cooperation to help implement the action plan.

2. Information provided by specialized agencies of the United Nations system

263. **FAO** reported that some countries had initiated development of national plans of action. The role of FAO was to disseminate the text of the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries and technical guidelines. It indicated that the FAO secretariat had participated in a regional meeting where implementation of the action plan on seabirds was discussed for countries of the Arctic region. In addition, FAO was in the process of developing an Internet web page where progress in the implementation of the International Plan of Action would be displayed.

3. Information provided by regional and subregional fisheries bodies and arrangements

264. **APFIC** indicated that it had informed its members about the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries.

265. **CCAMLR** stated that it had led the way in setting measures to reduce and prevent the incidental mortality of seabirds in longline fisheries. The CCAMLR Scientific Committee and the Commission itself annually reviewed implementation of those measures. Most of the measures developed by CCAMLR over a number of years had been incorporated in the seabirds action plan adopted by FAO in 1999. CCAMLR had requested its members to develop and implement national plans in support of the seabirds action plan by 2001.

266. **IBSFC** indicated that the incidental catch of seabirds in fishing operations was minimal in the Baltic Sea.

267. **NAFO** reported that it did not have any special plan of action on the incidental catch of seabirds in longline fisheries, owing to the almost non-existent or minimal longline fishery regulated by NAFO in the NAFO-regulated area.

268. **NEAFC** stated that it did not have any particular plan of action regarding the issue of incidental catch of seabirds in longline fisheries.

269. **IOTC** pointed out that the incidental catch of seabirds was not currently an issue in tropical tuna fisheries and was more of concern for CCAMLR and CCSBT in temperate zone fisheries.

270. **ICCAT** reported that incidental by-catches of seabirds were relatively minor in the Atlantic Ocean. Nevertheless, studies had been undertaken with a view to mitigating such incidental catches.

271. The **International Pacific Halibut Commission (IPHC)** stated that its involvement with seabird by-catch was rather limited because regulations pertaining to seabirds were contained in those of its Contracting Parties (Canada and United States), rather than those of the Commission. However, because by-catch of seabirds was an important issue for short-tailed albatross in the North Pacific, the Commission had undertaken some research activities on the issue, involving the census of seabird by-catch through logbook records of the halibut fleet.

272. IPHC noted however, that discrepancies in bird incidence reported among areas from the various data sources had led to the conclusion that such a census was unlikely to provide accurate records for all areas. Consequently, the Commission decided to conclude subsequently a contract with the United States National Marine Fisheries Service (NMFS) to provide profiles of the halibut fleet and its activities and to determine and make recommendations on the most effective means of monitoring the incidence of seabird by-catch in the fleet. The report would be a component of the NMFS determination of a suitable and cost-effective method to monitor the Pacific halibut fishery for seabird by-catch, in response to the regulatory requirement for reasonable and prudent measures to reduce seabird by-catch mortality in all fisheries. A report on that contract was due in December 2000.

4. Information provided by other intergovernmental organizations and convention secretariats

273. The **European Union** noted that under the work schedule relating to the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries the first draft of the EU plan would be submitted to the FAO Committee on Fisheries in February 2001. At the Community level, the member States and the Commission would work jointly to elaborate an EU draft plan on the subject.

274. **CMS** reported that at the Sixth Meeting of the Conference of the Parties (Cape Town, 1999) the Parties had adopted a resolution on southern hemisphere albatross conservation; Parties with breeding sites of albatrosses within their national jurisdictions were requested to cooperate on the development of an agreement for the conservation of southern hemisphere albatross. In addition, all States whose vessels were undertaking fishing activities within the CCAMLR regulatory area were requested to implement the Commission's conservation measures and all relevant States were encouraged to implement the FAO action plan on seabirds.

5. Information provided by non-governmental organizations

275. The **Humane Society of the United States** informed the Secretary-General that Humane Society Australia was a member of the threat abatement team for the Australian Longline Fishing Threat Abatement Plan. Humane Society Australia also served on the National Albatross Recovery Team and was involved in activities relating to the CMS Convention to ensure that the regional albatross agreement currently being negotiated was firm on dealing with longline fisheries. Moreover, the Humane Society of Australia had requested longline fishing to be included in the list of processes which were key threats to seabirds.

C. Conservation and management of sharks

1. Information provided by States

276. **Saudi Arabia** indicated that its fisheries did not specifically target sharks. However sharks which had been caught incidentally were the subject of a statistical record established in 1995, which indicated their quantities and sizes.

277. **Japan** stated that the Government was planning to draw up a domestic plan of action relating to the International Plan of Action for the Conservation and Management of Sharks.

278. **Norway** reported that the Norwegian Institute of Marine Research was participating in an EU project

concerning shark populations in relevant areas. As yet, the Institute had limited knowledge about the shark species concerned and was evaluating the possible need for monitoring the stocks through scientific surveys. Norway wished, however, to draw attention to the fact that during the past decade the catch of sharks by Norwegian vessels had been reduced.

279. **Cyprus** stated that the fishing methods used by its vessels were not aimed at catching sharks.

280. **Mexico** reported that since 1984 it had conducted a number of biological and fisheries research projects through the National Fisheries Institute on two types of shark in south-eastern Mexican waters. The main areas of investigation to date were: a regional breakdown of catches and the life cycles of the main species of shark; evaluation of stocks; determination of the characteristics of the different shark populations in the area under study and the mechanisms which regulated their numbers and distribution; description of the characteristics of fisheries on the Yucatan peninsula; assessment of the status of fisheries; and recommendations of standards for good fishery management.

281. In 1993, controls had been imposed on the issuance of commercial fishing permits to avoid an increase in the fishing effort and administrative provisions had been established for fishing gear specifications in commercial fishing permits, as part of the shark fisheries management policy. In 1996 a technical working group had been established within the National Advisory Committee on Standards for Responsible Fisheries to carry out analyses of fisheries and public consultations at the State level with the productive and academic sectors on both east and west coasts, and to analyse proposals for closed seasons and the regulation of fishing methods.

282. The above-mentioned work had laid the foundations for the elaboration of the Mexican Official Standard, which would regulate the exploitation of shark and related species in the waters under Mexican jurisdiction and on the high seas, as well as in waters under foreign jurisdiction by ships flying the Mexican flag. The objective of the new official standard, to be issued in August 2000, was to protect shark and related species, ensure their sustainable exploitation and encourage the conservation of protected species. It would also regulate the mesh sizes of gill nets, the technical specifications of longlines and closed seasons in breeding areas and during the mating season of various species.

283. **Denmark** stated that the EU, on behalf of the member States, had adopted the International Plan of Action for the Conservation and Management of Sharks. The recommendations therein were in accordance with the general elements contained in the Common Fisheries Policy of the European Community. Denmark added that the Greenland Home Rule Government was currently analysing to what extent the guidelines contained in the plan of action for sharks might be relevant for Greenland.

284. **Barbados** indicated that it had taken note of the International Plan of Action for the Conservation and Management of Sharks. It pointed out, however, that the conservation and management of sharks was not an issue for Barbados' longline fisheries.

285. **Guyana** reported that, in collaboration with the Caribbean Community (CARICOM) Fisheries Resource Assessment and Management Program (CFRAMP), it had been obtaining data on sharks from their regular data collection programme. Those data were restricted to catch/effort data only, in view of the fact sharks had been landed headless (heads removed at sea), making identification of some species of shark virtually impossible.

286. The **United States of America** indicated that it supported full implementation of the International Plan of Action through the development of national plans of action and would actively participate in the meeting of the FAO Committee on Fisheries in February 2001. The United States draft national plan of action was currently under internal review and comment; it was expected to be available for public comment in early July 2000. The United States National Marine Fisheries Service (NMFS) anticipated that the national plan of action should be finalized by the fall of 2000. NMFS believed that the development of national plans of action was only the first step towards the international management of sharks and that the next Committee on Fisheries meeting in February 2001 should be a forum to pursue options for bilateral, regional or multilateral agreements.

2. Information provided by specialized agencies of the United Nations system

287. **FAO** reported that it had prepared technical guidelines to support the implementation at the

national level of the International Plan of Action for the Conservation and Management of Sharks. The document, which was comprehensive in approach and addressed the legal, institutional and management framework requirements, human resources and capacity-building requirements, fishery management data and research, fisheries management and species conservation, and the implementation of the FAO action plan for sharks, would be disseminated by FAO before the end of 2000.

3. Information provided by regional and subregional fisheries bodies and arrangements

288. **ICCAT** reported that its Standing Committee on Research and Statistics had established a subcommittee on by-catches which had collected information on the various species of animals taken as by-catch in tuna fisheries, including a statistical system for sharks caught incidentally in the tuna fishery, a database for shark by-catches, the mandatory reporting of shark statistics by Contracting Parties and collaboration with other regional fisheries organizations that might be concerned with shark research.

289. **NAFO** reported that the Scientific Council and the Fisheries Commission of NAFO were currently working jointly to develop shark conservation and management plans for the NAFO regulatory area. For that purpose, NAFO Contracting Parties had been provided with an identification key table for deepwater sharks in the North Atlantic. A project was also under way to include sharks in a regular manual for NAFO observers at sea.

290. In addition, a NAFO representative had taken part in the FAO consultations on shark fisheries in October 1998.

291. **NEAFC** stated that it did not have any particular plans of action regarding the conservation and management of sharks.

292. **IOTC** indicated that the steps taken by the Commission to date relating to the conservation and management of sharks were limited to data collection.

293. **IATTC** reported that at its sixty-fifth meeting (La Jolla, United States, October 1999), the Parties had adopted a resolution on by-catch, in which they had noted that the appropriate provisions and recommendations of the FAO International Plan of Action for the Conservation and Management of Sharks should be considered an integral part of any by-catch management scheme adopted by IATTC. The working group on by-catch at its most recent meeting had recommended to the Commission that, to the extent practicable, fishermen on purse-seine vessels should be required to release, as soon as possible and unharmed, all non-target species, including sharks.

4. Information provided by other intergovernmental organizations and convention secretariats

294. The **European Union** noted that under the work schedule relating to the International Plan of Action for the Conservation and Management of Sharks a first draft would be submitted to the FAO Committee on Fisheries in February 2001. At the Community level, the member States and the Commission would work jointly to elaborate a draft EU on the subject.

5. Information provided by non-governmental organizations

295. The **Humane Society of the United States** reported that its Australian counterpart had been successful in its efforts to ban shark fishing in New South Wales. It was also seeking a nationwide Australian review of the process. The Humane Society of Australia had also worked to secure threatened species such as the great white and grey nurse sharks, and was currently participating in the national recovery teams for those species.

Notes

[1] All the communications, unless otherwise indicated, were provided to the Secretary-General through FAO on 3 August 2000.

[2] Note verbale dated 30 June 2000 from the Permanent Mission of Uruguay to the United Nations.

[3] Canada, Saint Kitts and Nevis, Georgia, Myanmar, Sweden, Madagascar, Norway, United States of America, Argentina, European Community, Namibia, Benin, United Republic of Tanzania, Mexico, Uruguay, Cyprus and Japan.

[4] Antigua and Barbuda, Barbados, British Virgin Islands, Dominica, Grenada, Montserrat, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines.